

THE WHITE HOUSE

WASHINGTON

April 24, 2000

HATE CRIMES STRATEGY SESSION AND STATEMENT

DATE: April 25, 2000
LOCATION: Roosevelt Room and Rose Garden
BRIEFING TIME: 1:15pm – 1:35pm
MEETING TIME: 1:35pm – 2:05pm
EVENT TIME: 2:10pm – 2:35pm
FROM: Bruce Reed

I. PURPOSE

To meet with federal, state, and local law enforcement officials to emphasize the need for federal hate crimes legislation and to highlight the successful partnerships between various law enforcement offices in prosecuting hate crimes.

II. BACKGROUND

Today you will join Attorney General Janet Reno and Assistant Attorney General for Civil Rights Bill Lann Lee to meet with several state, local, and federal law enforcement officials to emphasize the need for federal hate crimes legislation and to highlight the successful partnerships between various law enforcement offices in prosecuting hate crimes. This strategy session is a follow-up to the White House Conference on Hate Crimes held in November 1997, where you announced the creation of Hate Crimes Working Groups led by U.S. Attorneys across the country. Several U.S. Attorneys will report to you today on the progress their working groups have made thus far. You will also announce the release of two new resources on hate crimes – a local prosecutor's guide to preventing and responding to hate crimes, and a "promising practices" report that describes successful anti-hate partnerships – and you will renew your call for passage of an expanded federal hate crimes law.

Urging Passage of Expanded Federal Hate Crimes Law. You will make the case for expanded federal hate crimes legislation. In particular, you will urge Congress to pass the bipartisan Hate Crimes Prevention Act of 1999. Current law prohibits acts of violence based on a person's race, color, religion, or national origin – but only if the acts of violence are intended to interfere with certain federally protected activities, such as voting or serving on a jury. The new legislation would remove this restriction on prosecutors and would make such acts of violence illegal even if they did not interfere with federally protected activities. In addition, the legislation would punish hate crimes based on a

victim's sexual orientation, gender, or disability. Current federal law does not cover such cases.

Announcing Local Prosecutor's Hate Crimes Guide. Today you will announce that the American Prosecutors Research Institute (APRI), the research affiliate of the National District Attorneys Association (NDAA), is releasing "A Local Prosecutor's Guide for Responding to Hate Crimes." This guide will help local prosecutors prevent and respond to hate crimes. Copies will be distributed to prosecutors' offices throughout the country upon request. The guide covers several issues that arise during hate crime prosecutions, such as: (1) working with outside agencies and organizations; (2) case screening and investigation; (3) case assignment and preparation; (4) victim and witness impact and support; (5) trial preparation; (6) sentencing alternatives; and (7) prevention efforts. By highlighting model protocols and procedures from offices around the nation, the resource guide will help prosecutors' offices develop policies and procedures on handling hate crime investigations and prosecutions. It also will provide a comprehensive roadmap to individual prosecutors who are handling hate crime cases.

Announcing Promising Practices Guide. Today you will also announce a new guide called "Promising Practices Against Hate Crimes: Five State and Local Demonstration Projects." This monograph, the second in the Bureau of Justice Assistance's Hate Crimes Series, examines five BJA-funded state and local programs that are among the nation's most promising models for confronting and reducing hate crime. The five initiatives discussed are the Simon Wiesenthal Center's National Institutes Against Hate Crimes in Los Angeles, the Victim Assistance Project in San Diego, the JOLT (Juvenile Offenders Learning Tolerance) Program in Los Angeles, the Civil Rights Team Project in Maine, and the Governor's Task Force on Hate Crimes in Massachusetts. The first program provides training to criminal justice professionals, the second addresses the emotional and practical needs of hate crime victims, and the last three focus on bias among youth, with an emphasis on removing hate from public schools.

III. PARTICIPANTS

Briefing Participants:

Bruce Reed

Eric Liu

Joe Lockhart

Karen Tramontano

Loretta Ucelli

Mary Smith

Sam Afridi

Meeting Participants:

See attached list.

Event Participants:

YOU

Attorney General Janet Reno

Amy Klobuchar, Attorney, Hennepin County, MN

IV. PRESS PLAN

Strategy Session – Closed Press.

Rose Garden Event – Open Press.

V. SEQUENCE OF EVENTS

- Attorney General Janet Reno, Deputy Attorney General Eric Holder, and Assistant Attorney General for Civil Rights Bill Lann Lee will begin the strategy session.
- **YOU** will join the strategy session and participate in a discussion (see talking points attached).
- **YOU** will make concluding comments and proceed to the Oval Office.
- **YOU** will be announced into the Rose Garden, accompanied by Attorney General Janet Reno and Amy Klobuchar.
- Attorney General Janet Reno will make remarks and introduce Amy Klobuchar.
- Amy Klobuchar will make remarks and introduce **YOU**.
- **YOU** will make remarks and depart.

VI. REMARKS.

To be provided by speechwriting.

VI. ATTACHMENTS

- Meeting Participant Biographies
- Suggested Strategy Session Discussion Sequence

Hate Crime Strategy Session Participants
April 25, 2000

Paul Coggins, U.S. Attorney for the Northern District of Texas.

Mr. Coggins' office successfully prosecuted a hate crime involving three individuals identified with the skinhead movement. The U.S. Attorney's Office and the local prosecutor agreed jointly that the case (U.S. v. Mungia, Mungia, and Martin) should be prosecuted in federal court. Mr. Coggins also oversees a very active Hate Crimes Working Group in the Northern District of Texas, which is divided into three sections: Law Enforcement, Education and Community. The United States Attorney's Office has provided training to Texas school districts, police departments, probation departments, business people, and service providers. The training has also been expanded to serve law enforcement, community groups, religious organizations, and educational personnel.

Robert DeBree, Deputy Albany County Sheriff, Laramie, Wyoming.

Mr. DeBree investigated the Matthew Shepard case. Before his involvement in the Shepard case, he opposed federal hate crimes legislation, but because of this case, he now favors such legislation. Mr. DeBree urges that it is important to have a local-federal partnership to help investigate hate crimes cases. Because sexual orientation is not covered under current law there was no federal jurisdiction in the Shepard case, and federal law enforcement officers were not able to provide significant resources to the investigation. Accordingly, Mr. DeBree's office was financially devastated and was forced to lay off five law enforcement staff. Mr. DeBree believes that the proposed federal legislation would provide new tools to law enforcement to fight hate crimes in this country. He also believes that hate crimes are different from other crimes and supports their status as a separate criminal offense.

Newman A. Flanagan, President, American Prosecutors Research Institute (APRI).

Mr. Flanagan's organization today is releasing "A Local Prosecutor's Guide for Responding to Hate Crimes." This guide will help local prosecutors prevent and respond to hate crimes. Copies will be distributed to prosecutors' offices throughout the country upon request. The guide covers several issues that arise during hate crime prosecutions, such as: (1) working with outside agencies and organizations; (2) case screening and investigation; (3) case assignment and preparation; (4) victim and witness impact and support; (5) trial preparation; (6) sentencing alternatives; and (7) prevention efforts.

B. Todd Jones, U.S. Attorney for the District of Minnesota.

The District of Minnesota sponsored one of the first hate crimes conferences in the country on May 19, 1998, which included a televised youth roundtable with Deputy Attorney General Eric Holder. The conference was the catalyst for the development of an active Minnesota working group, which includes law enforcement, community representatives, and both state and federal prosecutors. This working group was instrumental in coordinating an effective community and

law enforcement response to a cross-burning in Southern Minnesota in late 1998, and Mr. Jones' office successfully prosecuted two juveniles involved in that crime. The working group has also become the core resource for hate crimes training in the state. Minnesota state law mandates hate and bias crime training for all licensed law enforcement officers. As a result, the Minnesota Hate Crimes Training Team ("HCTT") has evolved into an active and responsive resource for numerous law enforcement agencies throughout the state.

Amy Klobuchar, Hennepin County Attorney, Minnesota.

Ms. Klobuchar's office and the U.S. Attorney's Office for Minnesota enjoy a close working relationship, and have a joint commitment to cooperative law enforcement. Ms. Klobuchar has often said that "the public does not care who prosecutes crime – whether it is local, state, or federal prosecutors – they just want us to get the job done." The Hennepin County Attorney's Office is dedicated to the vigorous prosecution of bias-motivated crimes, especially violent crimes. Ms. Klobuchar believes that a hate crime affects not just an individual, but an entire community, and that the federal Hate Crimes Prevention Act would provide important new tools for combatting hate crimes.

Jay P. McCloskey, U.S. Attorney for the District of Maine.

In 1992, Mr. McCloskey's office and the State of Maine's Attorney General's Office convened the first hate crimes group meeting in Maine, which included police chiefs, FBI agents, DOJ Civil Rights Division attorneys, and various state leaders and legislators. The State Attorney General required all Maine Police Departments to designate a hate crimes point of contact responsible for notifying the State Attorney General's office of reported hate crimes within 24 hours of receiving the report. This process has worked very well within Maine, and has led to the quick and efficient resolution of a number of hate crimes incidents, including a cross-burning incident for which the defendant was found guilty and sentenced to eight years in prison.

Janet Napolitano, Arizona Attorney General.

Ms. Napolitano is currently Arizona Attorney General, and was formerly U.S. Attorney for the District of Arizona from 1993-1997. She has been involved in hate crimes law enforcement efforts from both the state and federal perspective. Ms. Napolitano supports the proposed federal hate crimes legislation, and believes that hate crimes laws, much like laws which increase punishment for the assault or murder of a law enforcement officer, help restore the social fabric that these crimes rip apart. She believes that while the vast majority of cases will continue to be prosecuted at the state and local level, that there is an important role for the federal government in this area due to the federal government's longstanding commitment to protect individuals from discrimination.

David O'Malley, Laramie Police Department, Laramie, Wyoming.

Mr. O'Malley investigated the Matthew Shepard case. Before his involvement in the Shepard case he opposed federal hate crimes legislation, but because of this

case, he now favors such legislation. He agrees that it is important to have a local-federal partnership to help investigate hate crimes cases.

Jose DeJesus Rivera, U.S. Attorney for the District of Arizona.

Mr. Rivera heads a hate crimes task force comprised of federal, state, and local law enforcement agencies, including the Federal Bureau of Investigation, the Arizona Attorney General's Office, the Maricopa County Attorney's Office, the City of Phoenix's Prosecutor's Office and the Arizona Department of Public Safety. Individual members of the task force have conducted training over the past year. In the course of its regular meetings, the law enforcement members of the task force exchange information on reported hate crime incidents to better coordinate between federal, state and local law enforcement. In addition, the United States Attorney's Office and the Arizona Attorney General's Office are jointly developing a prosecutor-led group that will reach out and educate communities and schools about reporting hate crimes and obtaining resources to combat hate crimes.

Daniel Rosenblatt, Executive Director, International Association of the Chiefs of Police

Mr. Rosenblatt's organization, the International Association of the Chiefs of Police (IACP), supports the proposed federal hate crimes legislation. The IACP has long been concerned with, and has worked to develop solutions to, the problems posed by hate crimes. Last January, the IACP released its "Hate Crime in America" report, which presents 46 community-wide policy and program recommendations to help stop hate crime – as well as a police specific *action agenda* of 12 steps police agencies must take as leaders in the fight against hate crime. In addition, working closely with the Department of Justice, the IACP developed and released "Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention." This guidebook is designed to enhance the ability of police to prevent the occurrences of hate crimes, strengthen the response to hate crimes that do occur, and support the formation of coalitions needed to rid communities of intolerance.

Paul Seave, U.S. Attorney for the Eastern District of California.

Mr. Seave's office was able to successfully prosecute a hate crimes case in 1991 involving two white supremacists in the assault of a black man at a convenience store/gas station (U.S. v. Black and Clark). Local law enforcement and the U.S. Attorney's Office agreed that the case should be prosecuted in federal court. The federal government had to employ a novel legal argument in order to achieve federal jurisdiction – namely that the presence of a pinball machine in the convenient store made it a "public accommodation". The Eastern District of California has two working groups – one in Fresno that was formed shortly after the Attorney General's directive in early 1998, and one in Sacramento that has been in place for over seven years. Last year, the Attorney General participated in a hate crimes conference in Sacramento that focused on law enforcement training, hate on the Internet and hate crimes issues in the education community.

Sequence and Suggested Questions for Strategy Session

1. District of Arizona

Participants:

- **Jose DeJesus Rivera, U.S. Attorney for the District of Arizona**
- **Janet Napolitano, Arizona Attorney General and former U.S. Attorney**

Questions

- Ms. Napolitano, do you think there are times when state and local prosecutors may seek federal assistance in prosecuting hate crimes cases?
- Why do you think federal hate crimes legislation is needed?
- Mr. Rivera, how do you work cooperatively with state and local law enforcement in your state?
- Mr. Rivera, what have you done in your hate crimes working group?

2. District of Maine

Participants:

- **Jay P. McCloskey, U.S. Attorney for the District of Maine**

Questions

- Why do you think federal hate crimes legislation is needed?
- Mr. McCloskey, how do you work cooperatively with state and local law enforcement in your state?
- Mr. McCloskey, what have you done in your hate crimes working group?

3. Prosecutors' Guide

Participant:

- **Newman A. Flanagan, President, American Prosecutors Research Institute and Executive Director, National District Attorneys Association**

Questions

- Recognizing that most hate crimes will continue to be prosecuted at the state and local level, could you describe your prosecutors' guide and how it provides another tool for local prosecutors?

4. International Association of Chiefs of Police (IACP)

Participant:

- **Daniel Rosenblatt, Executive Director, IACP**

Questions

- From a law enforcement perspective, why did the IACP decide to support the Hate Crimes Prevention Act?

- What activities has the IACP undertaken with respect to hate crimes?

5. District of Minnesota

Participants:

- **B. Todd Jones, U.S. Attorney for the District of Minnesota**
- **Amy Klobuchar, Hennepin County Attorney**

Questions

- Ms. Klobuchar, could you describe your working relationship with U.S. Attorneys Office with respect to hate crimes?
- Why do you think federal hate crimes legislation is needed?
- Mr. Jones, how do you work cooperatively with state and local law enforcement in your state?
- Mr. Jones, what have you done in your hate crimes working group?

6. Eastern District of California

Participant:

- **Paul Seave, U.S. Attorney for the Eastern District of California**

Questions

- Mr. Seave, could you describe your office's experiences when local law enforcement was unable to handle a hate crimes case?
- I understand that in the Black and Clark case, you all had to stretch to establish federal jurisdiction? Could you describe the significance of the pinball machine and commercial establishment in establishing federal jurisdiction?
- How would the proposed legislation solve this problem?
- Mr. Seave, what have you done in your hate crimes working group?

7. District of Wyoming

Participant:

- **David O'Malley, Laramie Police Department**
- **Robert DeBree, Deputy Albany County Sheriff, Laramie, Wyoming**

Questions

- Mr. O'Malley, could you describe your experiences on the Matthew Shepard case, and why you are supportive of the proposed federal hate crimes legislation?
- Mr. DeBree, could you describe your experiences on the Matthew Shepard case, and why you are supportive of the proposed federal hate crimes legislation?
- I understand that your opinions have changed about federal hate crimes legislation. Could you explain why you think a separate substantive offense is necessary and why other offenses are not adequate?
- I understand that your offices spent much of your budgets investigating the Matthew Shepard case. Would the new federal legislation permit more federal assistance?

8. Northern District of Texas

Participants:

- Paul Coggins, U.S. Attorney for the Northern District of Texas

Questions

- Could you describe the hate crimes case when the local prosecutor asked your office to handle the case?
- I understand that in the Mungia case, you all had to stretch to establish federal jurisdiction? Could you describe that?
- How would the proposed legislation solve the jurisdictional issues?
- Mr. Coggins, what have you done in your hate crimes working group?

**PRESIDENT HOLDS HATE CRIMES STRATEGY SESSION WITH
LAW ENFORCEMENT OFFICIALS, ANNOUNCES NEW HATE CRIMES REPORTS
April 25, 2000**

President Clinton, joined by the Attorney General, Deputy Attorney General and Assistant Attorney General for Civil Rights will meet today with several state, local, and federal law enforcement officials to emphasize the need for federal hate crimes legislation and to highlight the successful partnerships between various law enforcement offices in prosecuting hate crimes. This strategy session is a follow-up to the White House Conference on Hate Crimes held in November 1997, where the President announced the creation of Hate Crimes Working Groups led by U.S. Attorneys across the country. Several U.S. Attorneys will report to the President today on the progress their working groups have made thus far. The President will also announce the release of two new resources on hate crimes -- a local prosecutor's guide to preventing and responding to hate crimes, and a "promising practices" report that describes successful anti-hate partnerships -- and he will renew his call for passage of an expanded federal hate crimes law.

STRATEGY SESSION WITH LAW ENFORCEMENT OFFICIALS. In his strategy session today, the President will hear from a range of state, local, and federal law enforcement officials about the need for federal hate crimes legislation. These law enforcement officials -- who include state Attorneys General, local prosecutors, sheriffs and police officers -- will emphasize that while the majority of these crimes should continue to be prosecuted at the state and local level, their work can be buttressed and made more effective by a broader federal role. They will also describe specific instances of hate crimes when local and federal law enforcement officials, working together, agreed that it was best for federal prosecutors to handle the cases. In addition, several U.S. Attorneys will brief the President on their Hate Crimes Working Group activities, including better cooperation with state and local law enforcement, training efforts for law enforcement officers, and work with community groups.

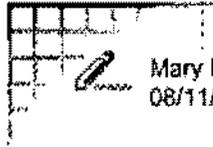
URGING PASSAGE OF EXPANDED FEDERAL HATE CRIMES LAW. The President today will also make the case for expanded federal hate crimes legislation. In particular, he will urge Congress to pass the bipartisan Hate Crimes Prevention Act of 1999. Current law prohibits acts of violence based on a person's race, color, religion, or national origin -- but only if the acts of violence are intended to interfere with certain federally protected activities, such as voting or serving on a jury. The new legislation would remove this restriction on prosecutors and would make such acts of violence illegal even if they did not interfere with federally protected activities. In addition, the legislation would punish hate crimes based on a victim's sexual orientation, gender, or disability. Current federal law does not cover such cases.

ANNOUNCING LOCAL PROSECUTOR'S HATE CRIMES GUIDE. The President today will announce that the American Prosecutors Research Institute (APRI), the research affiliate of the National District Attorneys Association (NDAA) is releasing "A Local Prosecutor's Guide for Responding to Hate Crimes." This guide will help local prosecutors prevent and respond to hate crimes. Copies will be distributed to prosecutors' offices throughout the country upon request. The guide covers several issues that arise during hate crime prosecutions, such as: (1)

working with outside agencies and organizations; (2) case screening and investigation; (3) case assignment and preparation; (4) victim and witness impact and support; (5) trial preparation; (6) sentencing alternatives; and (7) prevention efforts. By highlighting model protocols and procedures from offices around the nation, the resource guide will help prosecutors' offices develop policies and procedures on handling hate crime investigations and prosecutions. It also will provide a comprehensive roadmap to individual prosecutors who are handling hate crime cases. APRI, which is supported by funding from the Justice Department's Bureau of Justice Assistance, established an 18-member advisory group which includes 10 local prosecutors, as well as representatives from the International Association of Chiefs of Police, the Anti-Defamation League, the Center on Hate and Extremism, the National Center for Victims of Crime, Facing History and Ourselves, a county sheriff's office, the FBI, and the DOJ Community Relations Service.

ANNOUNCING PROMISING PRACTICES GUIDE. The President today will also announce a new guide called "Promising Practices Against Hate Crimes: Five State and Local Demonstration Projects." This monograph, the second in the Bureau of Justice Assistance's Hate Crimes Series, examines five BJA-funded state and local programs that are among the nation's most promising models for confronting and reducing hate crime. The five initiatives discussed are the Simon Wiesenthal Center's National Institutes Against Hate Crimes in Los Angeles, the Victim Assistance Project in San Diego, the JOLT (Juvenile Offenders Learning Tolerance) Program in Los Angeles, the Civil Rights Team Project in Maine, and the Governor's Task Force on Hate Crimes in Massachusetts. The first program provides training to criminal justice professionals; the second addresses the emotional and practical needs of hate crime victims, and the last three focus on bias among youth, with an emphasis on removing hate from public schools. In early May, approximately 8,000 copies will be mailed to a cross-section of law enforcement and other criminal justice practitioners. Copies will also be available through BJA's clearinghouse (1-800-688-4252) and website (www.ojp.usdoj.gov/BJA).

Hate Crimes



Mary L. Smith
08/11/99 01:18:54 PM

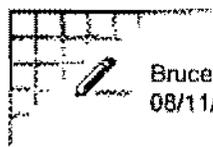
Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP
cc: Thomas L. Freedman/OPD/EOP@EOP
bcc:
Subject: Re: hate crimes [E]

The President supports pending federal legislation to expand the principal federal hate crimes statute. The current statute prohibits any acts of violence that are based on a person's race, color, religion, or national origin and that are intended to interfere with certain specified federally protected activities such as attending a public school, serving as a juror in state court, or traveling in interstate commerce. The proposed legislation would make illegal these acts of violence even if they were not intended to interfere with federally protected activities. Further, the proposed legislation would prohibit any acts of violence based on sexual orientation, gender, or disability, as long as there is a connection with interstate commerce.

The Hatch bill maintains the "federally protected activity" requirement and does not fix the jurisdictional limitations. It also fails to offer federal protection to victims of violence based on their gender, sexual orientation, or disability. Rather, the Hatch bill creates a new crime which prohibits traveling across state lines in order to willfully injure or intimidate any person because of the person's race, color, religion, or national origin. In addition, the Hatch bill provides for a study of hate crimes; the development of a model hate crimes statute; outlines a mechanism for federal assistance in state or local prosecutions of hate crimes; and provides for grants to state and local law enforcement.

Bruce N. Reed



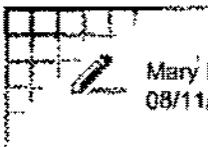
Bruce N. Reed
08/11/99 12:46:00 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP, Thomas L. Freedman/OPD/EOP@EOP
cc:
Subject: hate crimes

Can you send me again an explanation of what our hate crimes proposal does compared to current law

Hate Crimes



Mary L. Smith
08/11/99 12:20:19 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Thomas L. Freedman/OPD/EOP@EOP
cc: Cathy R. Mays/OPD/EOP@EOP, Courtney O. Gregoire/OPD/EOP@EOP, Richard Socarides/WHO/EOP@EOP

bcc:
Subject: Re: LA Shooting - press guidance [Eh]

Here are answers to a couple of the Q&A from the press office on the LA shooting as it relates to hate crimes. I ran this past DOJ and Richard who were fine with it. I understand that Richard had already sent something to the press office. Let me know if you need anything else.

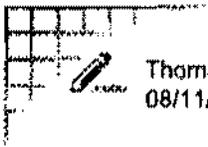
Q: If this shooting is found to be an alleged hate crime, will it be prosecuted more vigorously? Has federal law enforcement been asked to review this incident? Does it appear to be motivated by hate?

A: The FBI and the U.S. Attorney's Office in Los Angeles are working with state and local law enforcement in investigating this matter. State, local, and federal law enforcement will work together to ensure that this crime is prosecuted as vigorously as possible, regardless of whether it is a hate crime or not. At this stage of the investigation, it is unclear whether this incident was motivated by hate, but state and local enforcement, working with federal law enforcement, will continue to look into this matter.

Q: If this incident were motivated by hate, would it be covered under the existing federal hate crimes law?

A: Federal law enforcement is working with state and local law enforcement in the investigation of this matter. At this stage of the investigation, it is unclear whether there would be federal jurisdiction. As the investigation proceeds, law enforcement officials will make a determination whether to prosecute this at the state, local, or federal level. In the event that this is determined to be motivated by hate, the Administration has emphasized that state and local authorities should continue to prosecute the great majority of hate crimes and that federal jurisdiction should be exercised only when it is necessary to achieve justice in a particular case. Nonetheless, there needs to be a legislative fix to the existing federal hate crimes statute to remove needless jurisdictional limitations to allow federal prosecutions in appropriate cases.

Thomas L. Freedman



Thomas L. Freedman
08/11/99 11:43:31 AM

Record Type: Record

To: Mary L. Smith/OPD/EOP@EOP
cc:

THE WHITE HOUSE
WASHINGTON

April 5, 1999

HATE CRIMES ANNOUNCEMENT

DATE: April 6, 1999
LOCATION: Roosevelt Room
BRIEFING TIME: 10:00AM - 10:30AM
EVENT TIME: 10:30AM - 11:00AM
FROM: Bruce Reed, Mary Beth Cahill

I. PURPOSE

To urge Congress to pass quickly pending federal hate crimes legislation, and to demonstrate the broad base support for this legislation. Also, to announce other hate crimes initiatives targeted toward children, such as a public-private program that will develop a program for middle school children.

II. BACKGROUND

Today you will applaud public and private efforts to teach children about tolerance and urge Congress to quickly pass the pending federal hate crimes legislation. This legislation strengthens the existing federal hate crimes law by (1) extending the situations where prosecutions can be brought for violent crimes motivated by bias based on race, color, religion, or national origin; and (2) expanding the federal hate crimes statute to protect against hate crimes based on sexual orientation, gender, or disability. You will also announce a new public-private partnership which will focus attention on issues of hate, tolerance, and diversity in middle-grade schools. Finally, you will call on the Departments of Justice and Education to include hate crimes in its annual report card on school safety and to report on hate crimes and bias on college campuses.

Urging Passage of Expanded Federal Hate Crimes Law. You will urge Congress to pass the Hate Crimes Prevention Act of 1999, which expands a principal federal hate crimes statute. The current statute prohibits acts of violence that are based on a person's race, color, religion, or national origin and that are intended to interfere with certain specified federally protected activities. The proposed legislation would make illegal acts of violence, even if they did not interfere with federally protected activities. Further, the legislation would authorize the Department of Justice to prosecute individuals who commit violent crimes against others because of the victim's sexual orientation, gender, or disability. Current federal law does not cover these cases at all.

Announcing Public-Private Partnership to Create a Middle-School Program about Tolerance. You will announce a public-private partnership that will develop a program for middle-school students to teach tolerance in the classroom and in their daily lives. The members of the partnership are AT&T, Court TV, the National Middle School Association, the Anti-Defamation League, and Cable in the Classroom, with assistance from the Departments of Justice and Education. This effort is supported by the NAACP, the Leadership Conference for Civil Rights, the National Council of La Raza, the National Asian Pacific American Legal Consortium, the National Association of Protection and Advocacy Systems, the National Education Association, and the National School Boards Association, and the Partnership expects support from other organizations that deal with these issues. Recognizing that tolerance cannot be taught in a single day and that raising awareness of diversity should be integrated into students' daily lives, this public-private partnership -- entitled "Dealing with Our Differences" -- will provide an opportunity for middle-school students to learn about the harmful impact of intolerance, and will highlight positive ways that young adolescents are dealing with diversity issues. The Partnership will develop in-school lessons and activities supported with cable TV programming; videos and websites; a nationally-televised forum on diversity and tolerance at the end of October; and post-show lessons and activities.

Creating New Studies About Hate Crimes in Schools and Colleges. In order to better understand the problem of hate crimes and intolerance among young people, you will call on the Departments of Justice and Education to include in their annual report card on school safety a section on hate crimes among young people, both at and away from school. In addition, you will direct the Department of Education, with appropriate assistance from the Department of Justice, to collect data on hate crimes and bias on college campuses for periodic publication.

III. PARTICIPANTS

Briefing Participants:

Bruce Reed
Elena Kagan
Mary Beth Cahill
Janet Murguia
Eddie Correia
Richard Socarides
Paul Glastris

Event Participants:

Attorney General Drew Ketterer (ME), Vice Chair, National Association of Attorneys
General and Chair, Civil Rights Committee
Rt. Rev. Jane Holmes Dixon, Suffragan Bishop of the Episcopal Diocese of Washington

On-Stage (No Speaking Role):

Secretary Richard Riley

Acting Assistant Attorney General Bill Lan Lee

IV. PRESS PLAN

Pool Press.

V. SEQUENCE OF EVENTS

-You will enter the Roosevelt Room, accompanied by Secretary Richard Riley, Acting Deputy Attorney General Bill Lann Lee, Attorney General Drew Ketterer, and Bishop Jane Holmes Dixon.

-Attorney General Ketterer will make brief remarks and introduce Bishop Jane Holmes Dixon.

-Bishop Jane Holmes Dixon will make brief remarks and introduce you.

-You will make remarks and depart.

VI. REMARKS

To be provided by speechwriting.

**HATE CRIMES EVENT
ROOSEVELT ROOM
APRIL 6, 1999**

ORGANIZATION REPRESENTATIVES

American Ass. Of University Women	Nancy Zirkin
American Jewish Committee	Richard Foltin
American Muslim Foundation	Abdurahman Alamoudi
Anti-Defamation League	Abraham Foxman
Anti-Defamation League	Howard Berkowitz
Arab American Institute	Jim Zogby
Armenian National Committee of America	Aram Hamparian
Black Leadership Forum	Yvonne Scruggs Leftwich
Center for Democratic Renewal	Reverend Cordy Tindell Vivian
Civil Rights Committee	Drew Ketterer
Department of Interior	Kevin Gover
Department of Interior	Michael Anderson
Disability Rights Edu. & Defense Fund	Pat Wright
Georgetown Univ. Law Center	Chai Feldlum
Human Rights Campaign	Cynthia Stachelberg
Human Rights Campaign	Tracey St. Pierre
Japanese American Citizens League	Robert Sakaniwa
LCCR	Dorothy Height
LCCR	Wade Henderson
MALDEF	Marisa Demeo
MTV	Stephen Kory Friedman
NAACP Washington Bureau	Hilary Shelton
National Asian Pacific American Legal Consortium	Karen Narasaki
National Ass. Of Black County Officials	Maria Lopes
National Ass. Of Protection & Advocacy Systems	Curt Decker
National Conference for Community & Justice	Brian Foss
National Council of Jewish Women	Jody Rabhan
National Council of La Raza	Carmen Joge
National Ethnic Coalition of Organizations	William Fugazy
National Gay/Lesbian Task Force	Kerry Lobel
National Gay/Lesbian Task Force	Rebeca Isaacs
National Italian American Foundation	Illir Zherka
National Org. of Black Law Enforcement Executives	Chester White
National Sheriffs Association	Phil McKelvey
National Troopers	Johnny Hughes
National Urban League	Hugh Price
National Women's Law Center	Marcia Greenberger
NOW Legal Defense	Patricia B. Reuss

Police Executive Research Forum
Presbyterian Church (USA)
Suffragan Bishop of Washington
United Cerebral Palsy Ass.
U.S. Conference of Mayors

Chuck Wexler
Rev. Elenora Giddings Ivory
Jane Holmes Dixon
Anthony Young
Julia Headley

MEMBERS OF THE PUBLIC/PRIVATE PARTNERSHIP

AT&T Broadband and Internet Services
Court TV
Court TV
Court TV
National Middle School Association
Cable in the Classroom

Michael G. Smith (Director)
Henry Schleiff (CEO)
Richard Bearhs (COO)
Irving MacPherson (Sr. VP)
Marion Payne (President)
Margaret Hookey (Director)

**PRESIDENT CLINTON URGES PASSAGE OF FEDERAL
HATE CRIMES BILL, ANNOUNCES PARTNERSHIP
TO TEACH TOLERANCE IN MIDDLE SCHOOLS, AND
SIGNS DIRECTIVE TO INCREASE HATE CRIMES REPORTING**

April 6, 1999

Today President Clinton applauded public and private efforts to teach children about tolerance and urged Congress to quickly pass the pending federal hate crimes legislation. This legislation strengthens the existing federal hate crimes law by (1) extending the situations where prosecutions can be brought for violent crimes motivated by bias based on race, color, religion, or national origin; and (2) expanding the federal hate crimes statute to protect against hate crimes based on sexual orientation, gender, or disability. The President also announced a new public-private partnership which will focus attention on issues of hate, tolerance, and diversity in middle-grade schools. Finally, the President called on the Departments of Justice and Education to include hate crimes in its annual report card on school safety and to report on hate crimes and bias on college campuses.

Urging Passage of Expanded Federal Hate Crimes Law. The President urged Congress to pass the bipartisan Hate Crimes Prevention Act of 1999, which expands a principal federal hate crimes statute. The current statute prohibits acts of violence that are based on a person's race, color, religion, or national origin and that are intended to interfere with certain specified federally protected activities. The proposed legislation would extend the situations where prosecutions could be brought by making these acts of violence illegal even if they did not interfere with federally protected activities. In addition, the legislation would authorize the Department of Justice to prosecute individuals who commit violent crimes against others because of the victim's sexual orientation, gender, or disability. Current federal law does not cover these cases.

Announcing Public-Private Partnership to Create a Middle-School Program about Tolerance. The President announced a public-private partnership that will develop a program for middle-school students to teach tolerance in the classroom and in their daily lives. The members of the partnership are AT&T, Court TV, the National Middle School Association, the Anti-Defamation League, and Cable in the Classroom, with assistance from the Departments of Justice and Education. This effort is supported by the NAACP, the Leadership Conference for Civil Rights, the National Council of La Raza, the National Asian Pacific American Legal Consortium, the National Association of Protection and Advocacy Systems, the National Education Association, and the National School Boards Association, and the Partnership expects support from other organizations that deal with these issues. Recognizing that tolerance cannot be taught in a single day and that raising awareness of diversity should be integrated into students' daily lives, this public-private partnership -- entitled "Dealing with Our Differences" -- will provide an opportunity for middle-school students to learn about the harmful impact of intolerance, and will highlight positive ways that young adolescents are dealing with diversity issues. The Partnership will develop in-school lessons and activities supported with cable TV programming; videos and websites; a nationally-televised forum on diversity and tolerance at the end of October; and post-show lessons and activities.

Directing the Education and Justice Departments to Collect Data About Hate Crimes in Schools and Colleges. In order to better understand the problem of hate crimes and intolerance among young people, the President called on the Departments of Justice and Education to include in their annual report card on school safety a new section on hate crimes among young people, both at and away from school. In addition, the President directed the Department of Education, with appropriate assistance from the Department of Justice, to collect data on hate crime and bias on college campuses for periodic publication.

Final 04/06/99 9:40 a.m.
Paul Glastris

**PRESIDENT WILLIAM J. CLINTON
REMARKS ON HATE CRIMES
ROOSEVELT ROOM
THE WHITE HOUSE
WASHINGTON, D.C.
April 6, 1999**

Acknowledgments: Maine Att. Gen Drew Ketterer; Bishop Jane Holmes Dixon; Acting Ass At. Gen. Bill Lann Lee; Secretary Riley; Sen. Patrick Leahy; Rep. Ben Cardin; Rep. William Delahunt; DC Pol. Chief Charles Ramsey

Ever since I became President, I have tried to stress to the importance of bringing people together, of bridging the ethnic, racial and other differences that sometime divide us. Today, I want to talk to you about new steps I am taking to prevent hate-inspired acts of violence here in America. Violent crimes committed because of intolerance offend our most deeply held values.

Today, in Kosovo, thousands of families are being driven from their ancestral homes at the point of a gun, and many are being murdered, all because of their ethnicity and religion.

Today, brave American men and women, working with our NATO allies, are striking back at the forces committing these terrible acts--the forces of Slobodan Milosevic. Mr. Milosevic, who was responsible for the ethnic bloodshed in Bosnia and Croatia, is also responsible for this crisis. He can end it, now, by withdrawing his military, police and paramilitary forces from Kosovo; by accepting the deployment of an international security force; and by making it possible for all refugees to return as we move towards a political framework for Kosovo based on the Rambouillet accords. It is an outrage to think that on the eve of a new millennium, there are still people who allow their own self-worth to be determined by who they are not; who think less about lifting themselves up than of holding others down; and who insist that the identities of others are somehow a threat to their own.

Today we particularly recall the terrible genocide in Rwanda that began exactly five years ago. That time, the international community did not act quickly enough, it did not do enough--and a terrible bloodbath claimed more than a million lives. The kind of thinking that produces such catastrophe is particularly tragic when you consider that today diversity can be one of our greatest sources of strength. It is no small irony that while Mr. Milosevic has impoverished Yugoslavia by pulling it apart along ethnic lines, most of the rest of Europe has been growing more prosperous by coming together. And America itself has grown stronger as we have worked to bridge the our differences. Just look around this room. All of America is represented here, partnering with the faith and law enforcement leaders to strengthen the bonds of community that make this country great.

If the end of the 20th Century teaches anything it is that diversity can be manipulated into tragedy, or nurtured into a source of strength. Neither course is inevitable. That is why we have a real interest in nourishing tolerance and fighting violent intolerance, abroad as well as at home. In recent months, we have all been horrified by brutal acts of hate here in the U.S. These crimes strike at the heart of what it means to be an American. They challenge the values that define us as a nation. They threaten the peaceable diversity that underpins our strength and prosperity. We must reaffirm that we will not tolerate such acts.

Since I convened the first White House conference on hate crimes a year and a half ago, we have substantially increased the number of FBI agents devoted to hate crimes.

We have successfully prosecuted a number of serious hate crime cases. And we have formed local hate crimes working groups in U.S. Attorney's offices around the country, to coordinate training and prevention efforts among federal, state, local law enforcement officials and community leaders.

But we must do more. Over 8000 hate crime incidents were reported in 1997, the latest year for which FBI figures are available. That is nearly one hate crime every hour. We must do more to fight hate crimes now and prevent them in the future by reaching out to our young people. Today, I am pleased to announce important new steps to do just that.

First, I am calling upon the Departments of Justice and Education to include in their annual report card on school safety crucial information on hate crimes among young people, both at and away from school. Second, I am directing the Department of Education, with assistance from the Department of Justice, to collect important data, for the first time, on hate crimes and bias on college campuses.

Third, I am very pleased to announce a new public-private partnership to help reach middle school students with the message of tolerance. Like any value, tolerance must be taught, nurtured, and encouraged. That is the aim of the partnership, which includes AT&T, Court TV, the National Middle School Association, the Anti-Defamation League, and Cable in the Classroom, with assistance from the Departments of Education and Justice.

The partnership will develop fresh new outreach methods, from in-school lessons to cable TV programs and websites.

Fourth, I call on Congress to pass the Hate Crimes Prevention Act. Our Federal laws already punish some crimes committed against people on the basis of race or religion or national origin, but we should do more. This crucial legislation would strengthen and expand the ability of the Justice Department to prosecute hate crimes by removing needless jurisdictional requirements for existing crimes and by giving Federal prosecutors the power to prosecute hate crimes committed because of the victim's sexual orientation, gender, or disability. All Americans deserve protection from hate. Congress missed an opportunity to pass this crucial legislation last year. Congress should not miss that opportunity now.

As important as it is to pass a new hate crimes law, we must ultimately do more: we must be reconciled to one another. We must believe in one another's fundamental humanity. So often today America faces the challenge of helping to prevent conflicts overseas, fueled by divisions of race, ethnicity, and religion. We cannot meet these challenges abroad unless we have healed our divisions at home.



Landmark moment
 Training Fed employees - FBI
 - Parks Dept, ATF, INS, Customs, Secret Service
 - Sent letter, List of exhibits

M. W. [Signature]

12N

Hate Crimes

Excluded (FADA, 245, Violence against Director
 - error impact working with DMK
 Funding to help police identify hate crimes. DC-16 vs 1300
 - anti-gay rhetoric, more open August 23, 1997

* make reporting of sexual battery mandatory

* Fix VOCA, VAWA to keep from de-stigmatizing against anti-gay (no "promote homo" policies)
 - Help w/ key states

America's
 Domestic violence not just wives - prevalence is same
 -> what we did this yr? among lesbians
 Call on states to include gender discrimination as hate crime
 Tell Sudy to talk about bias against AIDS victims

David Ogden, Esq.
 Counselor to the Attorney General
 United States Department of Justice
 10th and Constitution Avenue, N.W.
 Washington, D.C. 20530

Re: Request for meeting with the Attorney General

Dear Mr. Ogden:

This is to request a meeting with Attorney General Janet Reno to introduce her to our nationwide coalition of direct service providers to victims of lesbian, gay, bisexual and transgender (LGBT) violence, and to and explain our coalition's mission.

We would like to hear her thoughts, and share with her some possibilities, about how the Department of Justice can improve its services to these traditionally overlooked victims of violence. We also would appreciate an opportunity to offer suggestions in connection with the national Hate Crimes Summit that President Clinton has called for November 10, 1997.

The National Coalition of Anti-Violence Programs (NCAVP) is an organization of more than twenty individual programs across the United States that track and document incidents of anti-LGBT violence and advocate on behalf of the victims in the criminal justice system in order to ensure that the crimes against these victims are prosecuted without any barriers of homophobia erected by either the police, the prosecutors or the courts. At the end of each year, our coalition publishes a national report documenting the anti-LGBT violence reported to member agencies that year, which each member agency then revises slightly to incorporate specific statistics for its own city. A copy of the 1996 Annual Report published by Los Angeles is attached for your review. As direct service providers to LGBT victims of violence, we are experts on the underlying issues of anti-LGBT violence and the secondary victimization that victims perceived to be LGBT often suffer at the hands of the criminal justice system because of individual or institutional homophobia.

Each year NCAVP holds an internal round table in order to assess the degree and nature of violence against our community during the previous year and to coordinate our efforts for the coming year. This year our round table will be held in Washington, D.C. commencing Saturday evening, October 18, and concluding

Tuesday morning, October 21.

We would very much like to meet with the Attorney General during our round table in order to, as set forth above, provide her with the knowledge we have accumulated as direct service providers and to recommend courses of action that the Department of Justice and the government can take to assist victims of anti-LGBT violence. We would also like to hear the Attorney General's thoughts on these issues and possibly to plan for the November 10, 1997 Hate Crimes Summit.

We would like to invite the Attorney General to share a meal with our coalition where she could address our coalition and then we could share ideas with her informally. In the alternative, we would like to meet with her in her offices.

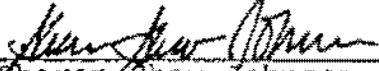
If you or anyone else from the Attorney General's office would like to discuss with us further the contents of such a meeting, we would be happy to do so either by telephone or by coming to Washington for a pre-meeting to discuss the meeting with you. Please telephone us at your convenience. If you telephone before September 3, please telephone Sharen Johnson (213-953-8525). After September 3, please telephone Darryl Cooper (202-418-1039).

We greatly appreciate your assistance in this matter.

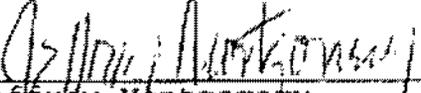
Sincerely,



R. Darryl Cooper
Chair,
Gay Men & Lesbians Opposing Violence
(Washington, D.C.)



Sharen Shaw Johnson
Director,
L.A. Gay & Lesbian Center
Anti-Violence Project



Jeffrey Montgomery
President, Triangle Foundation
(Detroit)



Chris Quinn
Executive Director,
New York City
Gay and Lesbian
Anti-Violence Project

Enclosure

cc: Eleanor D. Esheson, Esq.
Richard Socarides, Esq.
NCAVP members

ANTI-LESBIAN, GAY, BISEXUAL, AND TRANSGENDERED VIOLENCE IN 1996

Three arrested in pit bull attack on gays at Church and Market

MEY THE SPINEAD

Basher jumps bail
Dennis Conkin
EVERY
Another Ins

ALDS

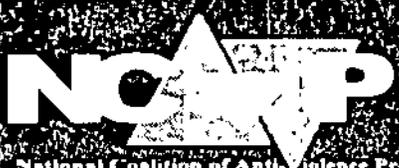
Historic harass victory for gay



BEFORE KILL A FAG

Wisconsin school to pay \$900,000 for allowing abuse

THE WORLD'S TINKERED



National Coalition of Anti-Violence Programs

Introduction

Hate crimes committed against lesbians, gay men, bisexual, and transgendered people continue to rise throughout the United States despite reported decreases in crime generally. This report analyzes incidents of anti-Lesbian, Gay, Bisexual, and Transgendered violence (anti-LGBT)¹ reported to community-based anti-violence organizations in fourteen areas across the country, known as the "national tracking programs" of the National Coalition of Anti-Violence Programs (NCAVP).² The analysis contained in this report includes available information on victims of anti-LGBT crime, offenders and the response of local police departments for 1996.

NCAVP is a coalition of lesbian and gay victim assistance, advocacy and documentation programs located throughout the nation. Although NCAVP was officially created only in 1995, the members of the coalition have worked closely together for years to strengthen the national anti-violence movement. At its fourth annual round table in Chicago (September 6-8), the members of NCAVP formalized its membership process and adopted a mission statement. Part of NCAVP's mission is to educate the public at large about the extent and brutality of anti-LGBT violence including through the distribution of this annual report. This is the 12th annual national report on anti-LGBT violence based on documentation provided by local anti-violence programs across the country.

This report does not purport to document the actual number of anti-LGBT incidents that occurred in the United States in 1996. Extensive empirical evidence shows that anti-LGBT violence is vastly under-reported. NCAVP knows from dozens of prevalence surveys, academic studies and government-funded reports conducted over the last two decades that gay men and lesbians are disproportionately the victims of hate-motivated violence. In addition, a very large percentage of anti-LGBT violence remains undocumented since most areas of the country do not have a local victim assistance or documentation program. This report, therefore, is only able to show trends in violence against gay men and lesbians.

Each of the programs participating in this report use the same intake forms, definitions and criteria for documenting anti-LGBT incidents.³ The participating programs define an anti-LGBT incident as one in which there are sufficient objective facts to lead a reasonable person to conclude that the offender's actions were motivated in whole or in part by the offender's bias against gay, lesbian, bisexual or transgendered persons. In addition, this report documents violence against people with HIV/AIDS and those perceived as such.

The definition and the criteria⁴ used to determine bias motivation parallel the definition and criteria used by the

¹ For the purpose of this report anti-LGBT violence will serve as an abbreviation for anti-lesbian, gay, bisexual and transgendered violence.

² See Appendix A for a complete list of participating programs. See Appendix B for summaries of selected incidents included in this report.

³ The standardization of statistic gathering was one of the first accomplishments of NCAVP. The incident documentation form is attached as Appendix C and the 21-page instruction manual on completing the form is available upon request.

⁴ Criteria include: a) the offender's use of anti-LGBT or AIDS-related language, b) a history of anti-LGBT incidents in the same area, c) a perception by a substantial portion of the LGBT community where the crime occurred that the incident was motivated by bias, d) a coincidence with a lesbian/gay event, such as

Federal Bureau of Investigation (FBI) to track bias motivation generally.⁵ To ensure the integrity of this report, no incidents where the anti-LGBT motivation was questionable were included.

In addition, the various reporting programs use consistent definitions for terms used in the report such as "offense" and "incident". These definitions closely follow the definitions used by the FBI. It should be noted, however, that one offense - harassment (verbal/sexual) - is not a crime in most states. This offense includes an offender directing anti-LGBT slurs at an individual. NCAVP programs do document these offenses because of the pain and fear they cause to victims. In addition, evidence has shown that many persons who engage in verbal harassment often escalate their behavior to more violent acts over time. Only 6% of the incidents documented in this report involve the single offense of harassment (verbal/sexual).

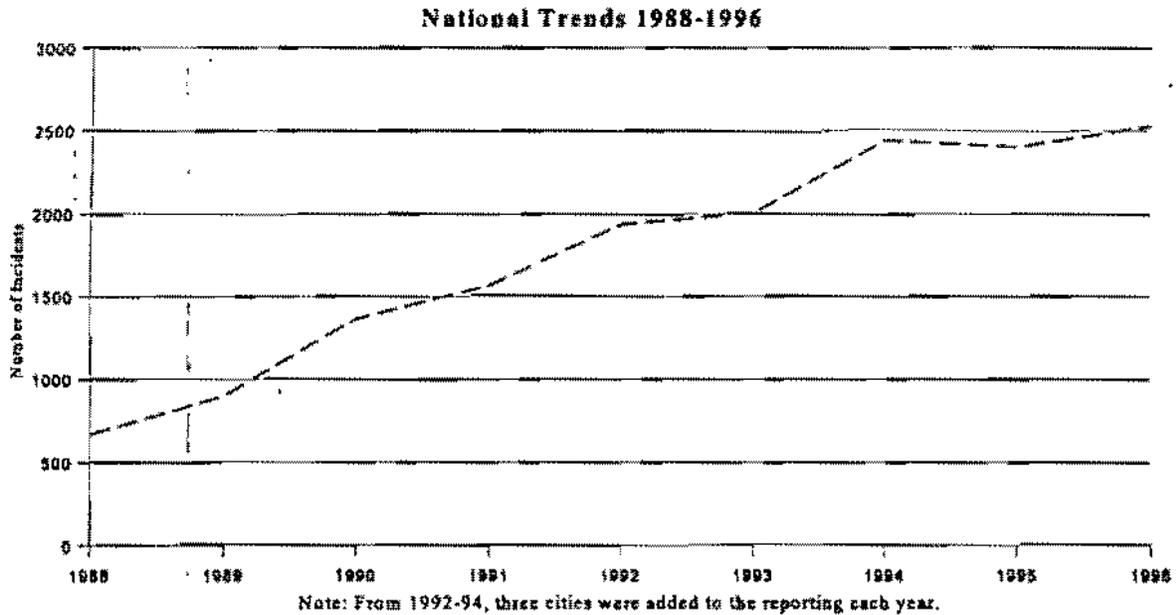
Lesbian/Gay Pride Day or National Coming Out Day, e) some indication that the victim was selected for victimization because of his/her appearance, clothing (e.g., gay pride T-shirt), or behavior (e.g., couple holding hands), f) offender's membership in an identifiable hate group with a history of committing anti-LGBT violence, or g) victim's participation in activities promoting LGBT rights, or activities in response to AIDS.

⁵ U.S. Department of Justice, Federal Bureau of Investigation (1992). *Uniform Crime Reporting Handbook*, p.38. Washington, DC: Government Printing Office. See Appendix D for other definitions.

Summary of Findings

INCIDENTS OF ANTI-LGBT VIOLENCE INCREASES

In the 1995 National Report, the National Coalition of Anti-Violence Programs (NCAVP) predicted an increase in anti-LGBT violence for 1996 based on the expectation of escalating anti-LGBT rhetoric during the Presidential and Congressional, the fervor surrounding the possibility of the legalization of same-sex marriages in the United States and the possibility of the Supreme Court rendering a decision on Colorado's amendment 2. This prediction was based on the experience of NCAVP members that anti-LGBT violence increases when the community is used as a wedge in political arenas and the media (such as the controversy over gays in the military following the 1992 Presidential elections). Tragically, anti-LGBT violence rose nationally by 6% in 1996. A total of 2,529 anti-LGBT incidents were documented by NCAVP's fourteen national tracking programs. This increase in the total number of reported incidents sharply contrasts with the touted decreases in all forms of violent crime in most localities (in excess of 20% in some metropolitan areas).



Contrary to the conventional belief that most bias crimes are directed at property (such as graffiti and vandalism), a great majority of the violence against lesbian and gay men continues to be directed at individuals. Of the incidents reported, 86% were directed at individuals, while only 14% targeted property.

Across the nation, eight of the fourteen national tracking programs reported increases in incidents of anti-LGBT violence and six reported decreases. Documented incidents increased in Chicago (+16%), Cleveland (+64%), Columbus (+3%), Detroit (+29%), El Paso (+34%), Los Angeles (+55%), Minnesota (+4%), and Virginia (+206%). Documented incidents decreased in Massachusetts (-7%), New York City (-8%), Phoenix (-60%), Santa Barbara/Ventura (-40%), St. Louis (-10%), and San Francisco (-3%).

INTENSITY OF VIOLENCE INCREASES

Not only did the number of incidents of violence increase, but the intensity and viciousness of the violence increased as well. This is clearly seen in the rise of the number of incidents that included assaultive offenses⁹ and the increasing severity of the resulting injuries from these offenses. The number of incidents which included at least one assaultive offense rose from 39% in 1995 to 41% in 1996. These assaultive incidents resulted in injury or death to 867 victims in 1996.

The level of injury inflicted was often severe. Of the persons injured, 35% suffered serious physical injury (such as broken bones and permanent physical injury) or death. Another 58% of those injured required some type of medical attention, including 29% who received medical treatment in an emergency room or on an out-patient basis, 9% who were hospitalized, and 20% who needed, but did not receive, medical attention.

The severe level of injury is corroborated by the change in the most common weapons used: from primarily thrown objects in 1995 (such as bricks, bottles and rocks) to hand-held club-like objects in 1996 (such as bats, clubs, lead pipes and other blunt objects).

Another factor that confirms the escalating level of violence is the six year trend of increasing numbers of offenses per incident. An important measure of the overall severity of an anti-LGBT incident, offenses per incident indicates the number of individual crimes/offenses perpetrated in a given attack. Between 1995 and 1996 the national tracking programs reported a 1% increase in offenses per incident, from 2.17 in 1995 to 2.20 in 1996. This may only reflect a modest increase, but since 1991 the number of offenses per incident has increased nearly 50%.

Further pointing to the increase in intensity of the violence, was the steep decrease in the number of incidents which involved *only* harassment, which is considered non-criminal behavior in most states. In 1995, 15% of the incidents reported involved only verbal/sexual harassment, while in 1996, merely 6% of the incidents involved only verbal/sexual harassment. In other words, 94% of the reported incidents were acts which constituted criminal behavior in most states.

OFFENDERS

As the number of incidents increased, so did the number of offenders, with a 6% increase in the number of offenders from 4,211 in 1995 to 4,450 in 1996. More significantly, the ratio of offenders to victims increased 7% from 1.34 to 1.43 offenders to victims, indicating that the victims of anti-LGBT violence are usually outnumbered by the attackers.

⁹ Assaultive offenses include Assault with a Weapon, Assault without a Weapon, Attempted Assault with a Weapon (including objects thrown), Sexual Assault/Rape and Murder.

Offenders were complete strangers in 41% of the incidents and clearly known in 37% of the incidents (including neighbors, landlords, family members, acquaintances and roommates) indicating that bias crimes are committed by a known person at nearly the same rate as by a total stranger.

The primary offenders continue to be teenagers and young adults, with 67% of the known offenders under 30 years of age, compared to 68% in 1995. The proportion of offenders under 18, however, increased significantly from 18% of known offenders in 1995 to 21% in 1996.

The number of female offenders is increasing from 418, or 12% of known offenders in 1995 to 596 or 15% of known offenders in 1996. In addition, the number of female victims increased nearly 6% from 853 in 1995 to 901 in 1996.

ANTI-HIV BIAS & VIOLENCE INCREASES

A total of 413 incidents were classified as motivated by fear and loathing of persons with (or perceived to have) HIV/AIDS, a 32% increase over 1995. Forty-five percent (45%) of these incidents involved both anti-gay and anti-HIV/AIDS bias, clearly demonstrating the continuing nexus between these two hatreds.

1996 SHOWS FEW SAFE SPACES FOR LESBIANS & GAY MEN

Neither home nor places of employment were safe spaces for gay men and lesbians. In 1996, 25% of all bias-related incidents occurred on a street or a public place, followed by 22% occurring in or around a victims private residence, and 13% occurring in the workplace.

While the larger percentage of offenders were strangers to their victims (41%), landlords, neighbors and tenants (16%) and employers and co-workers (10%) together constituted over one-quarter of the bias-related incidents.

The highest number of incidents occurred during Gay/Lesbian Pride Month in June (301) and May (228); the least in November (182) and January (174). June being the month with the most incidents indicates that with visibility and media attention a backlash of hatred and violence often occurs.

PROBLEMS WITH LAW ENFORCEMENT PERSIST IN 1996

Although the rate of reporting incidents to the police increased to 40% in 1996 (compared to 36% in 1995), it was significantly less than the estimated reporting rate of 48% for all crime.⁷ This low reporting rate is attributed largely to mistrust and fear of secondary victimization by the police. This mistrust appears to be well placed: nearly half (49%) of the victims who sought police assistance said the police response was indifferent (37%) or verbally or physically abusive (12%).

⁷ U.S. Department of Justice, Bureau of Justice Statistics. (1985) *Reporting Crimes to the Police*. (Ref. No. NCJ-99432). Washington, DC: Department of Justice. Crimes of violence include rape, robbery, aggravated assault and simple assault.

In sum, 1996 was a year where not only was more violence perpetrated against lesbians and gay men, it was committed by more people, in a much more intense and violent manner. Furthermore, it permeated practically all facets of peoples lives, reaching into their homes and their places of employment. This stark reality paints a frightening picture of what it is like to be lesbian or gay in this country.

**Anti-Lesbian/Gay Incidents Reported to
National Tracking Programs 1995-1996**

Tracking Program Location	1995	1996	%Change
Chicago	83	96	+16
Cleveland	11	18	+64
Columbus	181	186	+3
Detroit	90	116	+29
El Paso	131	176	+34
Los Angeles	256	396	+55
Massachusetts	173	161	-7
Minnesota	218	227	+4
New York City	625	575	-8
Phoenix	84	34	-60
Santa Barbara/Ventura	50	30	-40
San Francisco	426	415	-3
St. Louis	49	44	-10
Virginia	18	55	+206
Totals	2395	2529	+6

Assaults, Injuries and Weapons

Assaultive Offenses

1996 saw an increase in the percentage of reported incidents *which included at least one assaultive offense* – 41% in 1996 up from 39% in 1995.⁸ This statistic demonstrates the physical terror involved in many anti-LGBT incidents. Nationally, the overall percentage of assaultive offenses was down slightly from 1995. Twenty-four percent of the documented offenses in 1996, as opposed to 25% in 1995. An assaultive offense includes Assault without a Weapon, Assault with a Weapon, Attempted Assault with a Weapon, Sexual Assault/Rape and Murder.

Comparing the number of assaultive offenses which occurred in a City or State to the overall number of offenses gives a picture of the level of physical violence which is occurring across the country. Chicago, Massachusetts, El Paso and Los Angeles reported that 32% of total offenses were assaultive, followed by Cleveland at 31% and Detroit at 29%. New York had the highest raw number of actual assaultive offenses (319), followed by San Francisco (268) and Los Angeles (253).

Assaultive Offenses - 1996

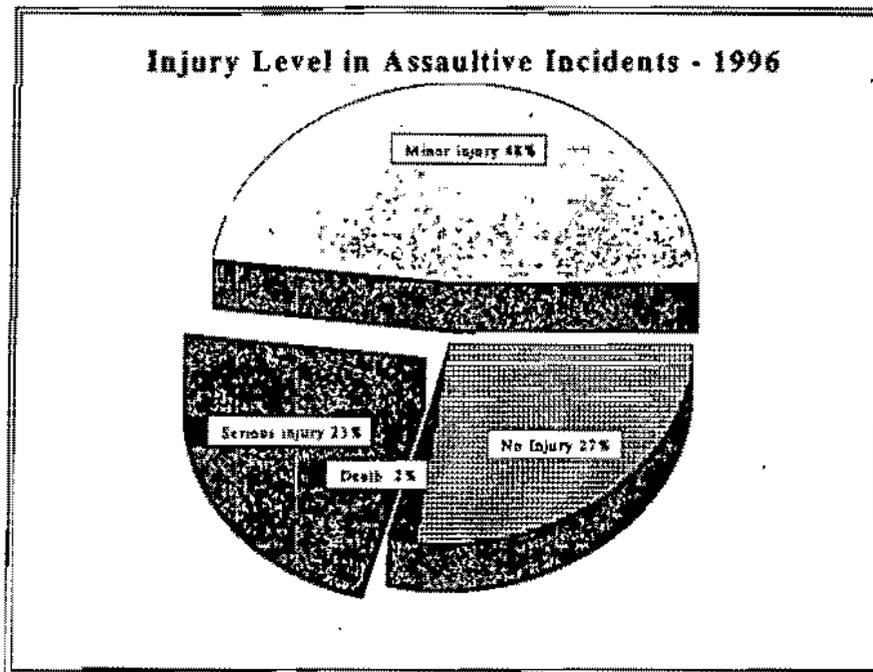
Offenses	1995	% of Total Offenses (5,069)	1996	% of Total Offenses (5,587)
Assault without a Weapon	638	13%	653	12%
Assault with a Weapon	304	6%	280	5%
Attempted Assault with a Weapon	188	4%	248	4%
Sexual Assault/Rape	101	2%	114	2%
Murder	29	1%	21	.5%
Total Assaultive Incidents	1260	25%	1316	24%

Injury Levels & Seriousness of Injuries

The likelihood of a victim being injured in an assaultive incident in 1996 was very high: 73% of assaultive offenses resulted in injury to the victim. Overall, 28% of all reported bias-crime victims were injured.⁹ Of the injured victims, 35% suffered serious injury or death. Detroit had the highest injury rate, with 53% of all victims suffering physical injury or death. Detroit was followed by Los Angeles (47%), Phoenix (36%), and Chicago (34%).

⁸Based on raw incident data provided by fourteen programs.

⁹ Unknowns were counted as "no injury".



This year, for the second year, information was collected on the medical attention received by victims who were injured in a bias-related incident. The data in this respect also underscores the high level of injury: 33% needed medical attention but did not receive it; 51% were treated in an emergency room or on an out-patient basis, and 15% were hospitalized as in-patients.

Person vs. Property Crimes

Anti-LGBT offenses in 1996 were overwhelmingly directed at persons, not property. 95% of the offenses were directed at individuals; only 5% involved property-oriented crimes such as vandalism and larceny/burglary/theft.

In this regard, anti-LGBT offenses are significantly different from hate crimes in general, as reported to the FBI, where 28% of all hate offenses are property crimes.¹⁰ Similarly, the Anti-Defamation League reported in 1995 that 48% of the 1,843 documented anti-Semitic offenses in 1995 were directed at property.¹¹

¹⁰ U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division. (1995). *Hate Crime - 1994 (Preliminary Figures Press Release)*. Washington, DC: The full report, *Hate Crime Statistics - 1994*

¹¹ Anti-Defamation League. (1996) *Audit of Anti-Semitic Incidents - 1995*, pp. 1 and 20. New York City: Author.

Offense Type	National (NCAVP)		ADL	FBI
	No. Offenses	% of Total	% of Total	% of Total
Offenses against persons	5,312	95%	61%	72%
Offenses against property	275	5%	39%	28%
Totals	5,587	100%	100%	100%

Weapon Use

The type of weapon used by offenders against victims was known in 520 incidents. Bats, clubs and blunt objects were the most frequently used weapons (24% of incidents involving weapons), followed by bottles, bricks and rocks (21% of incidents involving weapons). Knives and other sharp objects were third (17% of incidents involving weapons). The rate of the use of firearms in anti-LGBT incidents is alarmingly high (14% of incidents involving weapons).

This year's data indicates an increase in the level of premeditation in the commission of anti-LGBT crimes from last year. The use of bottles, bricks and rocks indicates a spur-of-the-moment decision to attack because these objects are most likely to have been found on the street. The use of bats, clubs and blunt objects, however, indicates a planned attack where the offenders thought in advance to bring these particular weapons. This planning denotes a certain level of purpose not before seen at such high levels in anti-LGBT crime. In addition, the greater use of bats, clubs and blunt objects demonstrates that attacks are now more confrontational and direct. Swinging a bat at someone requires a proximity and contact not necessary when throwing objects such as bottles.

Weapons Used	National - 1996	
	Number of Incidents	% of Total
Bats, Clubs, Blunt Objects	120	24
Bottles, Bricks, Rocks	110	21
Firearms	71	14
Knives, Sharp Objects	86	17
Rope, Restraints, etc.	28	5
Vehicles	18	3
Others	87	16
Total	520	100

Offenses and Serial Incidents

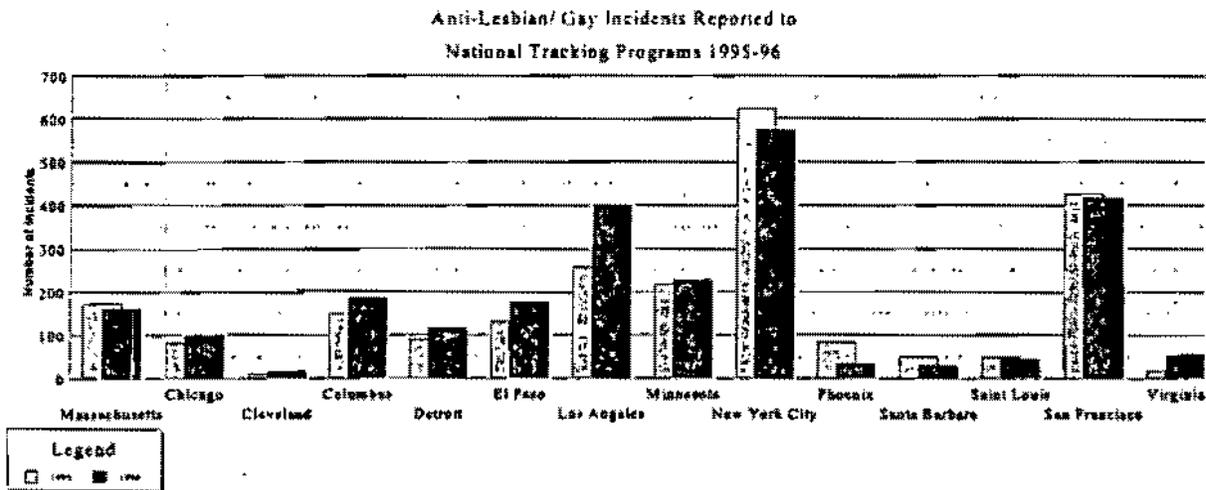
Continuing a six-year trend, the number of offenses committed during each anti-LGBT incident rose in 1996. The number and type of separate offenses occurring within a single incident is a key measure of the overall severity of the incident and the trauma experienced by the victim. Total offenses were up 9% in 1996 than in 1995. Additionally the number of assaultive offenses increased 5% in 1996. This data points to a higher level of more vicious violence in 1996.

Types of Offenses

The six most common offenses were Harassment,¹² Intimidation, Assault without a Weapon, Assault with a Weapon, Vandalism, and Attempted Assault with a Weapon. Attempted Assault with a Weapon and Intimidation increased most significantly (+24% each), followed by Vandalism (+12%), Harassment (+3%), and Assault without a Weapon (+2%). The only top offense category that decreased was Assault with a Weapon (-9%).

Other types of offenses showing significant increases nationwide were sexual assault/rape (+ 11%), and abduction/kidnaping (+50%).

These offense data refute the popular belief that the vast majority of anti-LGBT incidents are "mere" acts of verbal harassment. In fact, in only 6% of the incidents was harassment the only offense; all other reported incidents involved additional or more serious offenses. These additional offenses, including Intimidation,¹³ are classified as crimes in almost all states.



¹² Harassment offenses include verbal harassment, telephone harassment, mail harassment and sexual harassment.

¹³ The offense of Intimidation is defined as: To unlawfully place another person in reasonable fear of bodily harm or property destruction through the use of threatening words and/or behavior (including stalking, menacing, threatening to use a weapon), but without displaying a weapon or subjecting the victim to actual physical attack.

Offenses Per Incident

Nationally, during 1996 there were 2.2 offenses per incident compared to 2.17 offenses per incident in 1995 and 1.83 offenses per incident in 1994. This shows an ever increasing level of criminal behavior in connection with each anti-LGBT incident.

Offenses Per Incident - By Program

Tracking Program	1996		1995	
	Total Incidents	Total Offenses	Offenses Per Incident	Offenses Per Incident
Chicago	96	222	2.31	2.25
Cleveland	18	23	1.27	1.38
Columbus	186	235	1.26	1.16
Detroit	116	146	1.25	1.16
El Paso	176	272	1.54	1.52
Los Angeles	396	799	2.01	2.84
Massachusetts	161	332	2.06	2.07
Minnesota	227	491	2.16	1.86
New York City	575	1,743	3.03	2.86
Phoenix	34	78	2.29	1.00
St. Louis	44	84	1.90	2.00
San Francisco	415	1,070	2.58	1.87
Santa Barbara	30	30	1.00	1.00
Virginia	55	63	1.14	1.55
Totals/Averages	2,529	5,587	2.20	2.17

Eight national tracking programs showed increases in the number of offenses per incident, one program showed that the percentage remained the same and five programs reported a decrease in the number of offenses per incident. New York City reported the highest number of offenses per incident – 3.03 – followed by San Francisco with 2.58 and Chicago with 2.31.

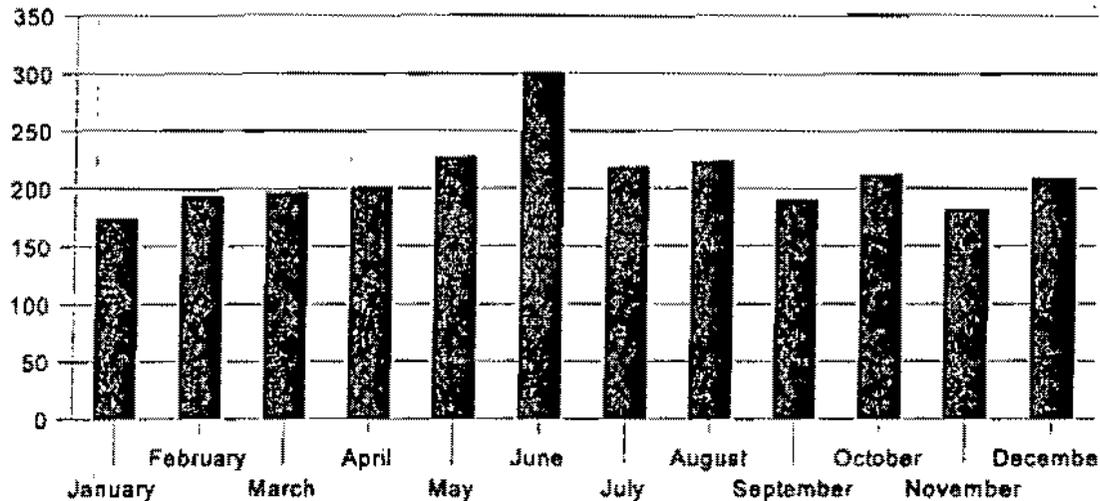
Incidents by Month

Nationally, the highest number of anti-LGBT incidents occurred in June, which is Lesbian & Gay Pride Month (301 incidents), followed by May (229 incidents) and August (224). The lowest number of incidents were in January (174) and November (182).

This data indicates the connection between increased visibility and violence. June is, of course, the month when most communities have their gay/lesbian pride celebrations. These events usually receive significant (and sometimes slanted) media attention. Data reported to NCAVP has consistently shown that when gay/lesbian issues are featured prominently in the media, there is almost invariably an increase in violence. It should be noted, however, that violent incidents at lesbian/gay events and marches are relatively rare, as offenders appear to be afraid to attack when they are outnumbered.

NCAVP believes a possible reason for increased anti-LGBT incidents in warm weather in general is that anti-LGBT offenders often act spontaneously when they see persons they perceive to be gay or lesbian. Because more people are out-of-doors during the warmer months, there are more visible targets. The decline in occurrences of anti-LGBT incidents between warmer and colder months is much more significant than the decline the FBI sees in overall crime between those same months.

LGBT Incidents By Month

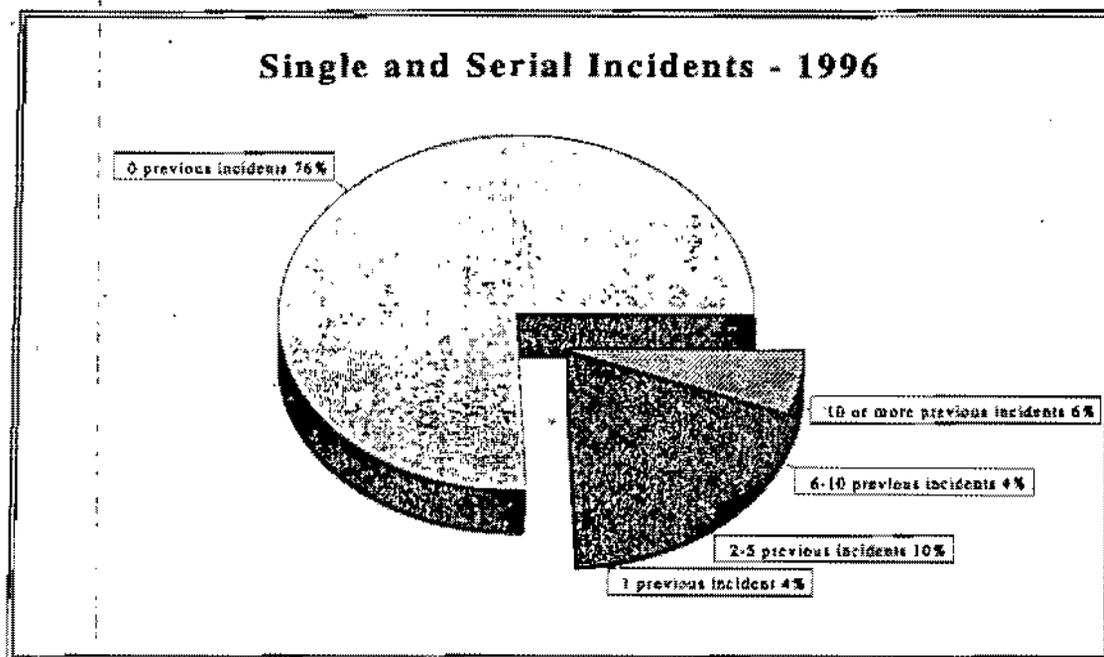


Serial Incidents

Nationally, just under one quarter (24%) of the anti-LGBT incidents counted represented serial incidents. Serial incidents are considered reports of on-going violence and harassment perpetrated by one offender against a single victim. As in 1996 these were counted as only one incident to avoid skewing victim/offender/incident data.

These serial incidents often involve offenders who live in a victim's building or neighborhood and tend to begin with acts of harassment and intimidation that, while illegal, do not result in any significant response from the criminal justice system.¹⁴ According to NCAVP members police officers often treat these crimes as "neighbor disputes," ignoring the bias element of the crime. Victims of these types of serial crimes describe their lives as being "under siege" by the offender and often feel hopeless for any resolution other than moving to a new home. Victim advocates across the country state that serial incidents tend to escalate over time, becoming increasingly violent. This escalation is abetted by inadequate initial police response, which serves to encourage the offender's behavior.

¹⁴ For example, in New York State, the offense of harassment in the second degree, which includes striking, shoving or kicking another person without causing physical injury, is a "violation", and not technically a "crime". New York Penal Law Sec. 240.26. Police officers are not authorized to make arrests in these cases unless they personally witness the offense.



The Victims of Anti-LGBT Violence

A total of 3,105 victims reported anti-LGBT incidents to NCAVP tracking programs in 1996, a 2% increase over 1995. Ninety-six percent (96%) of the incidents targeted individuals and 4% were directed at gay/lesbian organizations/businesses. Total victims in 1996 included a greater number of women, people of color, people under 18 years of age, and people over 65 years of age than in 1995. Reported incidents also showed that people were victimized in practically every location possible – the street, their homes and their place of work.

Victim Age, Race, Sexual Orientation and Gender

Anti-LGBT violence cuts across all age groups. In 1996 close to half (48%) of the victims that reported to NCAVP were 30 years of age or older. Individuals between 23 to 29 years of age comprised 20% of the victims. While people who were 18 to 22 years of age comprised 9% and people under 18 comprised 5%. During 1996 the percentage of older and younger victims increased from 1995. Victims under 18 went up 24% and victims over 65 increased 50%.

Although there was a significant increase in the number of victims under 18, NCAVP believes that violence against gay and lesbian youth continues to be severely under-reported. Studies have found that at least one-third of all victims of hate crime are under 21.¹⁵ Beyond that, all available data indicates that gay and lesbian youth are at extreme risk for bias-motivated violence.¹⁶

¹⁵ Southern Poverty Law Center, *The Dynamics of Youth, Hate and Violence*, Klanwatch Intelligence Report, October, 1995, p. 11.

¹⁶ At least 20% of a sample of more than 500 young people seeking services from the Hetrick-Martin Institute in New York City had been the victims of violence because of their sexual orientation.

Although, the majority of victims continued to be white, the percentage who are persons of color grew slightly in 1996, continuing an on-going trend. For example, in 1996, 66% of the victims nationwide were white, compared to 67% in 1995. 33% of the victims were persons of color, up from 32% in 1995. African-American victims constituted 11% of all victims whose race was known and Latino/a victims constituted 15%.

While the services provided by NCAVP members are available regardless of sexual orientation, the majority of victims who reported to NCAVP during 1996 continued to be lesbians and gay men. It is important to note, though, that heterosexuals who are perceived to be gay or lesbian are the victims of anti-LGBT violence. Specifically, 87% of victims identified as gay or lesbian, 8% identified as bisexual, 3% as heterosexual, and 2% as questioning/unsure or unknown.

Nationally in 1996, 61% of all victims were male, 29% female, 4% transgendered, and 6% were either lesbian/gay institutions or unknown. (Incidents against institutions included bomb threats, arson, and vandalism with anti-LGBT graffiti.) The proportion of victims who were female increased 5% from 1995, while male victims decreased by 1% and institutional targets increased by 3%.

The percentage of lesbians reporting to NCAVP increased in 1996 by 5%. Although lesbians make up a significantly higher proportion of incidents reported to NCAVP than in sexual orientation hate crimes reported to the FBI, victim advocates believe that these numbers still under-represent the actual amount of anti-lesbian crime. During 1996, 27% of all incidents reported by NCAVP involved only female victims. In contrast, 15% of the victims of anti-LGBT bias reported to the FBI were anti-lesbian specific.¹⁷

A number of components, beyond those which suppress reporting by both gay men and lesbians, exacerbate the under-reporting of bias crime against lesbians. Women are subjected to excessive sexist harassment – "a continuous stream of harassment on the streets because of their gender."¹⁸ This frequently leads women to become conditioned to harassment and to suffer it in silence. Not seeing an incident as "serious enough" is the primary reason given by lesbians to NCAVP for not reporting a sexist or anti-lesbian incident to local organizations or to the police.¹⁹ Moreover, it is frequently difficult for lesbians to discern if an incident was motivated by anti-woman bias, anti-lesbian bias, or both. Many victims mistakenly believe it is only appropriate to seek assistance from and document incidents with lesbian/gay anti-violence organizations when the offense is clearly only anti-lesbian. 1996 data again demonstrates that the majority of anti-lesbian incidents are perpetrated by men.

Much of the violence had been inflicted by family members. Hunter, J. (1992). Violence against lesbian and gay youth. In, Herek, G.M. and Berrill, K.T. (Eds.), *Hate Crimes: Confronting Violence Against Lesbians and Gay Men*, pp. 76-79.

¹⁷ The latest FBI report (for 1994) showed a total of 792 individual victims of bias crimes based on sexual orientation: 567 were the victims of "Anti-Male Homosexual" incidents; 119 of "Anti-Female Homosexual" incidents; 82 of "Anti-Homosexual" incidents; 15 of "Anti-Heterosexual" incidents; and 9 of "Anti-Bisexual" incidents. U.S. Department of Justice, Federal Bureau of Investigation; Criminal Justice Information Services Division. (1995). *Hate Crimes - 1994, Preliminary Figures*. Washington DC.

¹⁸ von Schulthess, B. (1992). Violence in the Streets: Anti-Lesbian Assault and Harassment in San Francisco. In, Herek, G.M. and Berrill, K.T. (Eds.), *Hate Crimes: Confronting Violence Against Lesbians and Gay Men*, p. 70.

¹⁹ *Id.* As another example, raw incident data (N=1,559) revealed that only 49% of the 110 lesbians who suffered serious physical injury filed a complaint with the police.

Violence Against Transgendered Persons

For the second year in a row data on violence against transgendered persons was collected. This was added because the NCAVP believes that violence against transgendered persons is pervasive and grossly under-reported. Transgendered is an umbrella term encompassing the diversity of gender expression including drag queens and kings, bigenders, cross dressers, transgenderists and transsexuals.²⁰

During 1996, incidents involving 117 transgendered persons were documented, representing 3% of all victims. 105 of the 117 victims were living as females and 12 as males. The small number of transgendered victims makes it difficult to draw any conclusions about the levels of violence and national trends.

The NCAVP is presently working with GenderPAC, a national advocacy and action group for transgendered communities, on the distribution of a survey specifically focusing on violence against transgendered individuals. Hopefully, the information that is collected will provide more detail about the extent of violence against transgendered people.

Site of Incident

One of the scariest facts to emerge from the data reported to NCAVP is that the threat of homophobic violence exists everywhere – on the streets, in peoples homes and at their place of work. This means that lesbians and gay men are being attacked by people they know and see on a regular basis, as well as complete strangers (see offenders section for more detail.) This reality robs lesbians and gay men of any safe spaces - even their homes - where they can feel free of the threat of violence.

Specifically, the most common site of anti-LGBT violence – 25% of all incidents – was on the street or a public place. The second most common site of incidents was a victims residence (21%), followed by the workplace (13%). FBI hate crime data reinforces NCAVP data and reflects a high proportion – 31% – of all anti-LGBT incidents occurring in or around private residences.²¹

²⁰ The Gender Identity Project of the NYC Lesbian & Gay Community Services Center. *Wherever you are on the Transgendered Spectrum: ... Drag, Cross dresser, Crossgender, Bigender, TV, Transsexual, FTM, MTF, New Woman, New Man, ... You Are Not Alone!*

²¹ U.S. Department of Justice, Federal Bureau of Investigation. (1994). *Characteristics of Hate Crimes in 1993, Summary of Hate Crimes Data Collection*. Washington DC: General Printing Office.

Site of Incident		
Site	National - NCAVT	
	Number of Incidents*	Percent of Incidents
Police precinct/jail/car	35	1
Private residence	530	21
Public transportation	89	4
Street/public area	611	25
Workplace	317	13
Public accommodation	197	8
Cruising area	125	5
School/college	157	6
GLBT Institution	106	4
In/around GLBT bar, etc.	262	11
GLBT event/parade/rally	20	1
Other	20	1
Total	2,469	100

*Total does not reflect incidents with unknown site.

Site of Incident in Relation to Age of Victim

The reality that home is not a safe place for lesbians and gay men is reinforced by the data on the site of incident in relation to a victim's age. While the data for 1994 and 1995 showed that people under 18 years of age were most likely to be victimized at their school, the 1996 data shows a change. This year people under 18 are more likely to encounter violence in or around their home – 29% of all incidents. This was also the case for people between the ages of 18 to 22 (31.5%), 30 to 44 (32%), and 45 to 64 (38%).

The only age group which was safer at home than on the street were people 23 to 29.²² Incidents perpetrated against that age group occurred most often on the street or in a public area (29%).

²² There was not enough raw data on victims 65+ to draw conclusions about the location of offenses perpetrated against them.

The Offenders of Anti-LGBT Violence

A number of trends regarding the offenders of anti-LGBT incidents emerge from the reports provided by the NCAVP tracking programs during 1996. The largest number of reported incidents involve attacks by a group of young people. These attacks are often against a victim not known to the offenders. The second largest number of incidents involve an attack against a gay or lesbian person in their home or office. Most often these attacks are committed by a neighbor/landlord or employer/coworker. In addition, the overwhelming majority of perpetrators are not affiliated with any identifiable hate group. The youth and size of the groups perpetrating the attacks has a disturbing affect on the likelihood that a victim will be seriously injured in an attack.

Offenders Per Incident

Attacks on lesbians and gay men by groups of 2 or more individuals continue to be a large percentage of incidents nationally. Thirty-nine percent (39%) of the incidents involved two or more offenders with 29% involving two to three offenders, and 10% involving four or more offenders.

On average, there were 1.76 offenders per anti-LGBT incident and 1.43 offenders for every victim. This represents a 7 % increase from last year's average of 1.34 offenders for each victim. The ratio of offenders-to-victims is likely to be even higher because programs record only one offender for certain incidents where the number of offenders is unknown, such as vandalism, graffiti and mail threats. FBI data from previous years indicates that anti-LGBT offenses involve a higher number of offenders per incident than other forms of hate crime. Hate crime information reported to the FBI indicates that the offender-to-victim ratio for all forms of hate crime is 1.12 to 1.²³ This high ratio of offenders to victims in anti-LGBT offenses, together with the youth of the perpetrators, is likely to be a contributing factor in the high level of injury occurring in these attacks.

Number of Offenders Per Incidents			
	1996- National		1995
Offenders involved in incident	Number of Incidents	% of total Incidents	% of total Incidents
1	1,432	61	63
2-3	694	29	27
4-9	214	9	8
10 & over	33	1	2
Total*	2,373	100	100

*Does not include 166 incidents which the number of offenders was unknown.

Offender Age, Race and Gender

Most perpetrators of anti-LGBT violence continue to be young people in their teens and twenties. In 1996, 67% of all known offenders were under the age of 30 and 44% were 22 or younger. These statistics remain relatively consistent with findings from previous years. The proportion of offenders under 18, however, increased this year from 17% to 21%.

²³ *Hate Crimes Statistics 1993*, supra note 21.

Surprisingly, offenders in the over 65 age range showed the most significant increase: up by 11 offenders (+42%). Because of the low actual number of offenders in the over 65 age group, we do not believe this represents a national trend.

Despite the youth of the offenders, the victims of anti-LGBT violence are significantly older than the offenders. Nationally, 59% of the victims were over the age of 30, but only 33% of the known offenders were over 30.

AGE	Percent of Total Victims		Percent of Total Offenders	
	1995	1996	1995	1996
	Under 18	5	6	17
18-22	14	11	25	23
23-29	26	24	25	23
30-44	43	44	24	23
45-64	10.5	14	7.5	9
65 and over	.5	1	.5	1

* Calculations do not include incidents in which the age of the victim/offender was unknown.

In terms of race, white offenders made up the largest group of anti-LGBT offenders (1,511 or 47%) followed by Latino/as (693 or 22%) and African Americans (673 or 21%). Anecdotal evidence from the participating programs suggests that the majority of incidents involve offenders attacking gay men and lesbians of their own race. Presumably offenders feel particular animosity toward gay men and lesbians of their own race and use violence to enforce heterosexual identity and conduct within their racial group.

Findings regarding gender breakdown of offenders is not surprising. Eighty-five percent (85%) of known offenders were male as compared to 65% of the victims. This does, however, indicate an increase in the percentage of female offenders. In 1995, approximately 90% of offenders were male.

Relationship of Offender to Victim

In 1996, the relationship of the assailant to the victim was tracked on a national basis for the second year in a row. The highest percentage of offenders (41%) were complete strangers to their victims. This is consistent with reports indicating a large percentage of attacks are committed by groups of young people who seek out gay men and lesbians as victims. The second largest group of offenders were familiar to their victims, either a landlord, neighbor or tenant (16%) or an employer or co-workers (10%). What the findings show is that gay men and lesbians face the threat of homophobic violence from virtually all sides. Gay men and lesbians are not safe on the streets, at home or at the office. In addition, enforcement and security personnel accounted for eight percent (8%) of offenders.

Hate Group Offenders

A total of 22 incidents reported during 1996 were perpetrated by clearly identifiable hate groups, such as organized skinhead gangs or neo-Nazis. This represents slightly less than 1% of all incidents.

Minnesota/St. Paul had the highest number of hate group incidents (9), followed by New York (5). Eight of 14 tracking programs reported no hate group incidents during 1996. This data underscores the point that violence against gay men and lesbians is widespread and can not be blamed on fringe groups.

HIV-Related Violence

In 1996, NCAVP's national tracking programs documented 294 incidents in which hatred, fear and ignorance about HIV/AIDS and persons perceived to have HIV/AIDS was a motivating factor in the incident, a 5% increase over 1995.²⁴ This increase was due in large part to an expanding awareness of HIV-related violence among service providers and within the lesbian and gay communities.

Anti-HIV/AIDS bias was the only motivating factor in 109 of the incidents (37%), while 185 of these incidents (63%) were motivated by both anti-HIV/AIDS and anti-LGBT bias (e.g., the offender says "AIDS faggot" or a similar epithet during the incident). Despite the fact that gay men and lesbians account for less than half of new AIDS cases, these statistics underscore a continued link between anti-LGBT and anti-AIDS/HIV prejudice and hate.

While the number of reported AIDS/HIV-related bias incidents has increased every year since we began compiling statistics, these data do not begin to convey the pervasive nature of violence against persons with HIV and AIDS. In a 1992 national survey by the National Association of People with AIDS²⁵, 21.4% of respondents said that they had been victimized in their communities because of their HIV status and 12.3% reported experiencing such violence in their homes from family members or partners. The authors cited this as the most startling finding of the study.

In the vast majority of cases, the targets were individual persons with HIV/AIDS (or persons perceived to have HIV/AIDS) as opposed to AIDS service organizations. The incidents ranged from harassment by neighbors and landlords, to anti-gay assaults in which the victims were called "AIDS faggots" to murders. Not surprisingly, anecdotal evidence from programs across the country indicates that people with HIV/AIDS who are victims of bias incidents see their health worsen in the aftermath. This is particularly true of people who are symptomatic.

²⁴ This reflects data from eleven of the fourteen national tracking programs (Chicago, Detroit, El Paso, Los Angeles, Massachusetts, Minnesota, New York City, Phoenix, Santa Barbara, St. Louis, and San Francisco).

²⁵ National Association of People With AIDS. (1992). *HIV in America: A Profile of the Challenges Facing Americans Living With HIV*. National Association of People Living With AIDS: 1413 K Street, N.W., Washington, D.C. 20005.

Reporting to Law Enforcement / Law Enforcement Response

Information reported to the NCAVP national tracking programs includes the number of incidents reported to the police, police response and police attitude. In addition, statistics were collected from local law enforcement agencies on crimes they classified as motivated by anti-LGBT bias. Taken together, this information indicates a widespread reluctance on the part of victims to report anti-LGBT crimes to the police, an alarming increase in police indifference or hostility to those victims who do seek assistance, and continuing problems in police classification of bias crimes.

Forty percent of all anti-LGBT incidents reported to the national tracking programs during 1996 were also reported to the local police, an increase over the 1995 reporting rate of 36%. This increase is due in part to the criminal justice system advocacy and assistance NCAVP programs provide victims in reporting to law enforcement. Nonetheless, this is still less than the 43% reporting rate for all violent crime, estimated by the Department of Justice.²⁶

Much of this disparity can be attributed to the lesbian and gay community's long history of distrust of the police. The most common reason cited by victims for not reporting an anti-LGBT incident to the police is fear of mistreatment, such as an insensitive or hostile response, or physical abuse by police, or public disclosure of their sexual orientation.²⁷ Such public disclosure often leads to loss of family, support systems or employment. The 1996 data make it clear that victims still have solid reasons for these fears.

Just over half of the victims who sought police assistance found the response courteous, which is up from last year. Nonetheless 37% said the police were "indifferent," and 12% said the police response was verbally or physically abusive – up from 10% in 1995.

In Chicago, of the victims who did report to the police (29 out of 131), 88% of the victims reported a courteous response. Chicago was followed by San Francisco, Cleveland, and Columbus (all reporting a 66% courteous response.) Los Angeles and Santa Barbara reported the worst police response, with each reporting that only 14% of victims who reported to the police received courteous treatment from police. This is the second year in a row that Los Angeles was one of the top two cities for poor police response.

Another reason for the low levels of police reporting is that some incidents reported to local organizations do not fit the technical definition of a "crime," and therefore are not recorded by law enforcement. No more than six percent of the incidents, however, fall into this category. Taking this proportion of incidents out of the total raises the reporting rate to 38%, still well below the average for all other victims of violent crime.

The highest proportion of incidents reported to the police was in Phoenix (91%), followed by Los Angeles (50%), San Francisco (48%), and Massachusetts (46%). The relationship between a local police department and the lesbian/gay community appears to have a direct impact on the level of victim willingness to report incidents.

²⁶ U.S. Department of Justice, Bureau of Justice Statistics. (1985). *Reporting Crimes to the Police*. (Ref. No. NCJ-99432). Washington, DC: U.S. Department of Justice. Crimes of violence include rape, robbery, aggravated assault and simple assault.

²⁷ Herek, G. M. and Berrill, K. T. (Eds.). (1992). *Hate Crimes: Confronting Violence Against Lesbians and Gay Men*, p. 294. Newbury Park, CA: Sage. Citing: Comstock, G.D. (1989). *Victims of anti-LGBT violence*. *Journal of Interpersonal Violence*, 4, 101-106.

For example, the high rate of reporting in Phoenix comes on the heels of a 1995 initiative in which the local Anti-Violence Project and the Phoenix Police Department launched a highly-publicized joint effort encouraging gay and lesbian victims of hate crime to report their victimization to the police. In a cooperative effort in Los Angeles this past year, the police department has stationed an officer inside the City's Lesbian and Gay Community Center to take reports of anti-LGBT incidents. In Massachusetts and San Francisco, meanwhile, the gay and lesbian communities have over the years established a positive connection with their police departments.

Reporting to Police

Program Location	% Incidents Reported to Police
Massachusetts	46
Chicago	30
Cleveland	17
Columbus	28
Detroit	26
El Paso	26
LA	50
Minnesota	26
New York City	37
Phoenix	91
Santa Barbara	23
St. Louis	35
San Francisco	48
Virginia	20
National Average	36

Participating programs tracked whether the police classified an incident as bias-motivated after a victim reported the incident to the police as a bias incident. Of the 745 incidents reported to the police, bias classification was known in 81%.²⁸ Victims did not report the case as bias in 24% of incidents, primarily because they feared secondary victimization. On the other hand, victims in 71% of the incidents did report the incident to the police as bias. Of those reported as bias to the police, a bias classification was promptly made in only 55% of the incidents, while being refused outright in 24% of the incidents. The victim or the local program was still advocating for a bias classification in 20% of the incidents.

Victim advocates say that less than half of the incidents which they attempt to have classified as bias after the fact ever receive such a designation. In sum, even in places where a bias classification system is available to victims, and the victim has the courage to seek such a designation, police fail to classify these crimes as anti-LGBT in almost half of the cases.

²⁸No police bias classification was available in 17 incidents; bias classification information was unknown in 203 incidents.

Sexual Orientation Bias Crimes: Reported to FBI by Local Police 1990-1995								
City	1990	1991	1992	1993	1994	1995	1996	'95-'96 % +/-
Massachusetts	39	31	32	29	29	18	27	33%
Chicago	10	28	52	37	31	31	16	-94%
Columbus						11	26	57%
Minnesota			30	19	38	37	46	20%
New York City	102	88	86	79	68	73	64	-14%
Phoenix					17	42	21	-100%
San Francisco	97	193	164	134	99	144	102*	-41%
Virginia							10	N/A
Total	248	340	364	337	348	392	312	-25%

*Does not reflect December

There are several likely explanations for this poor response. Most local police officers have never received specific training in identifying bias crimes, nor the additional skills and knowledge required to respond appropriately to anti-LGBT crime.²⁹ Some local personnel are reluctant to classify crimes as bias because they wish to avoid the additional work, negative community sentiment and poor public relations that often accompany bias crime. Finally, several local law enforcement agencies apply unrealistic and excessively rigid criteria to the classification of anti-LGBT crimes.³⁰

²⁹When Congress enacted the Hate Crimes Statistics Act, it did not appropriate any additional funds to train local law enforcement agencies to implement the act. As a result, the FBI was unable to conduct training programs for local patrol and line-of-duty law enforcement officers. Showing significant leadership and dedication to the HCSA, the FBI did conduct 46 training conferences for 3,300 representatives of 1,100 local law enforcement agencies (using personnel from the FBI's Uniform Crime Reporting Program). In turn, these representatives were expected to conduct training for their own agencies. U.S. Department of Justice, Federal Bureau of Investigation, *Characteristics of Hate Crimes in 1992*, p. 2.

³⁰ While the FBI's definition of a bias crime, for example, includes all offenses that are motivated "in whole or in part, by the offender's bias," in practice, incidents that are not solely motivated by bias (e.g., victims who are targeted for robbery and excessive violence because they are lesbian/gay) are almost never classified as bias-motivated.

Lesbian, Gay, Bisexual, & Transgendered-Related Murders

Gay-related murders are those in which the victim's sexual orientation was a significant motivating factor. This term does not include homicides of gay men and lesbians that appeared to be drug-related, the result of domestic violence and disputes between acquaintances.³¹

In 1996, the fourteen national tracking programs reported 21 gay-related murders³², down from 29 murders reported for 1995. In addition, another 10 gay-related murders were reported by other programs.

Although the number of reported anti-gay/lesbian murders decreased from 1995 to 1996, the level of brutality increased with 12 or 57% of the murders marked by an extraordinary level of violence involving "overkill."³³ This is a significant increase over 1995, where only 33% of the reported murders involved overkill. The overwhelming level of violence is consistent with a motivation based on hatred.

Knives (or other sharp instrument, including a screwdriver) were the most frequently used weapon, involved in 38% of the murders reported. While firearms account for 68% of all homicides nationwide,³⁴ they were used in only 33% of the gay/lesbian-related cases. Nineteen percent (19%) of the murders involved strangulation, 10% involved the use of blunt objects, and 10% involved the use of arson.

At least 62% (13) of the murders appear to have occurred in a pick-up scenario where the perpetrator and victim met and mutually agreed to go somewhere for sex (usually the victim's home). In most cases where the pick-up location was known, the perpetrator found his victim in a gay bar or gay "cruising" area (such as a park, public bathroom, or other area frequented by men looking for sex with other men): 38% (3) of the victims were picked-up from a gay bar, 38% (3) from a gay cruising area, 13% (1) from a non-gay bar, and 13% (1) from an Internet "chat" room.

Three of the murder victims were women (14%), 17 of the victims were men (81%), and one of the victims was transgendered (5%). The murders of the three women all seemed to involve the hatred of a man finding out the lesbian identity of the victims:

³¹The following criteria were used to categorize murders as gay-related: specific anti-lesbian/gay statements made by the perpetrator; evidence of rage/hate-fueled extraordinary violence, known as "overkill" in law enforcement (see definition of "overkill" in footnote 34 below); location of the murder in an area with a history of anti-LGBT violence, or a known gay "cruising" area; absence of signs of forced entry where the homicides occurred in a victim's home or hotel room; or statements and insights offered by witnesses, friends of the victim or community leaders.

³² This number includes two murders from 1995 that were reported to local programs and determined to be gay-related in 1996. See Appendix "E" for narratives on each murder as well as some of the murders from other areas.

³³ Murders classified as "overkill" involved at least one of the following: 1) four or more gunshot or stab wounds; 2) repeated use of a blunt object(s) (such as a baseball bat, brick, or lead pipe); or 3) use of more than one method of murder, any one of which would have independently killed the victim, such as strangulation followed by multiple stabbings.

³⁴ Federal Bureau of Investigation, "Crime in the United States, 1992," page 18, Washington, D.C., 1992.

in one case, involved an ex-husband who killed his ex-wife's lover and attempted to kill his ex-wife; the other case involved a man who killed two women, apparently finding out that they were lesbians, after one of the women had repeatedly refused to go out with him on a date. The transgendered murder was similar in that the perpetrator seemed motivated by finding out the gender of the victim.

The age of the murder victims was significantly older than that of the offenders. Where ages of victims were known, only 18% [3] were between 23-29 years of age, while 47% [8] were between 30-44 years of age, 24% [4] were between 45-64 years of age, and 12% [2] age 65 and older. The ages of the known offenders were significantly younger, with 30% [3] between 18-22 years of age, 40% [4] between 23-29 years of age, and 30% [3] between 30-44 years of age. This age discrepancy between victims and offenders is relatively consistent with other forms of anti-LGBT violence.

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Service-race link

Here's some interesting stuff, via John Gomperts of the Corporation for National Service.

1. Apparently Martin Luther King day was designated as a day of service under a 1994 law pushed by Harris Wofford when he was a Senator -- "a day on, not a day off." King was pro-service and made a famous service quote: "Everybody can be great because everyone can serve." So every year, the service world (there is one) organizes all kinds of service events on January 15. The Martin Luther King Commission is apparently designated in the law, along with the Corporation, to implement this. (MLK Commission is apparently somewhat adrift.)

Better yet, the Corporation has \$250,000 in demo money to fund little \$2,000 to \$5,000 mini-grants for local groups to organize local days of service. This is the 2nd year they've done these grants. They got 500 applications, many more than last year. And they will be ready to announce the grants in about two weeks. (I assume they could hold this if we wanted, although not for too long.) Harris was hoping that the President would participate in the MLK day of service this January, and could plug the Corporation's reauthorization then.

2. Harris has been approached by Dexter King (King's son) and a service organization called "Do Something" about something called the Kindness and Justice Curriculum. Corp. doesn't know much about it yet, but it might be service learning of some sort. They want to make it part of the MLK holiday celebration. They are also approaching Tom Kean.

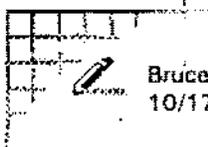
3. Harris & co. are focusing more on AmeriCorps and less on service learning in their thinking on the race-service link so far. Two prominent AmeriCorps programs -- CityYear and Public Allies -- focus very consciously on race as part of the service experience, and could speak at a town hall. There is a guy named Alan Khazei at CityYear who is a thinker/statesman on service. You could have thinkers talk and then young people from different backgrounds talk about their experience serving together, the good and the bad.

4. The Corp. will have a new study soon on problems in racial diversity in AmeriCorps and how to do better. Gomperts says they really wouldn't want to release this report, but perhaps something could be done as an offshoot. I'll try to find out more about it. AmeriCorps is apparently very diverse, and that can create issues.

Bruce/Diana -

GOOD stuff. Bruce-Diana
has spoken w/ J. Gomperts, and
Harris will come in to speak
with us as soon as we want.

Elena



Bruce N. Reed
10/17/97 05:58:39 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: DPC Staff Diversity

Check out these figures. Assuming we hire Neera, we'll be 30% minority and 68% women. That last fact might come in handy next time you're called to testify before Ann's crowd.

----- Forwarded by Bruce N. Reed/OPD/EOP on 10/17/97 05:56 PM -----



Paul J. Weinstein Jr. 10/17/97 05:21:20 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: DPC Staff Diversity

1. We have 28 slots on the DPC
2. Three slots are open (Tobacco/New Ideas, Welfare/Health Care Support, First Lady/Children and Families). This number excludes Ira Magaziner and Mia (who will be off our payroll soon), and the AIDs Office. It does include Carl Whillock.
3. Of the 25 filled positions, 16 are held by women (64%). 6 positions are held by minorities (24%). 3 are held by African-Americans (double counting Julie Fernandes) (12%). 2 are held by Hispanic-Americans (8%). 1 held by Asian-Americans (4%). 1 held by Native-Americans (4%).
4. If Neera Tandeem is hired next week, the percentage of minority staff increases. (30% or 7 out of 26 positions).
5. If we isolate out support staff the percentage of minority policy staff would be 29% (6 out of 21 positions). If Neera is added into the equation the percentage changes 31% (7 out of 22 positions).

Bruce —
 We should send this to Sylvia —
 though first we should take out
 Carl Whillock.
 Elena

HATE CRIMES



Richard Socarides
04/20/97 04:00:25 PM

Record Type: Record

To: June G. Turner/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Meeting w/Sylvia Mathews on Monday, April 21 (2/2)

Here is the current draft of the hate crimes memo.

DRAFT 4-19-97

April , 1997

MEMORANDUM FOR THE PRESIDENT

**FROM: SYLVIA MATHEWS
MARIA ECHAVESTE**

RE: Proposed White House Conference on Hate Crimes

I. SUMMARY

This memorandum provides background information relating to hate crimes in America and proposes that you authorize the convening of a White House conference on hate crimes to be held in the fall of 1997. This memorandum also sets forth the goals, structure, timing, staffing and funding for such a conference.

II. BACKGROUND

In January the Executive Committee of the Leadership Conference on Civil Rights ("LCCR") meet with senior White House staff. At the meeting, LCCR presented its recent report on hate crimes in America. The report recommends, among other things, that you convene a White House Conference on hate crimes to help demonstrate the magnitude of the problem and look for possible solutions. The report points out that "from killings and beatings to acts of arson and vandalism, ... hate crimes injure or even kill thousands of people, terrify countless others, divide Americans against each other, and distort our entire society."

Statistics collected by the Federal Bureau of Investigation suggest that over 8,000 hate crimes occur in America each year. Moreover, it is generally believed that these statistics greatly understate the problem. Crimes of hate are on the rise, even as crimes of violence are on the decline. The recent incidents of arson at houses of worship, the abortion clinic bombings and the media attention given to other incidents of hate related violence, all have helped to focus national attention on the problem.

The principal federal statute in this area (18 USC 245) contains a traditional definition of hate crimes as attacks based on race, religion or national origin. The Hate Crime Statistics Act of 1990 expanded that definition, for the purposes of its provisions, to include crimes in which an individual becomes the victim due to their race, religion, sexual orientation, ethnicity or disability. The Hate Crimes Sentencing Enhancement Act of 1994 expands that definition further to include women.

You have repeatedly condemned these acts of violence and tried to focus Americans on ways to find common ground, stressing themes of unity.

III. PROPOSED CONFERENCE

Goals: A White House conference on hate crimes would:

- help to educate the public in a dramatic way about the substantial threat these crimes pose to us as a nation and how they are at odds with the fundamental principals of fairness and equal justice we hold dear as a country;
- demonstrate the Administration's commitment to preventing hate crimes and highlight the actions we are already taking to achieve this goal; and
- serve as a powerful and direct way to communicate to the American people the seriousness of the situation.

The theme of the conference should be the impact hate crimes have on the American society. And while the Reconciliation/Race Initiative focuses primarily on race, the hate crimes conference would be inclusive of all victims of crimes motivated by hate, including those motivated by the actual or perceived religion, ethnicity, gender, sexual orientation or disability of the victim.

Structure: The conference would last one day and be held at the White House. It would include approximately 100 participants from all walks of life and from every region of the country. They would be selected by a White House working group. The participants would include the victims and their families, advocates, law enforcement professionals, state and local government officials, Members of Congress, religious leaders, etc. Senior

Administration officials from the White House, the Attorney General and other officials from the Department of Justice and relevant agencies and departments would also participate.

The conference would include welcoming remarks from the Attorney General and thereafter the participants would move into smaller groups to hear several panels focused on different elements of the problem. (Examples could include panels focused on crimes motivated by race, religion, ethnicity, gender, sexual orientation/identity, disability; the attackers and organized hate groups; law enforcement efforts and best practices; educational and private initiatives; help available for the victims, etc.) Panel participants would be pre-assigned based on their area of expertise. Each panel would include an Administration official and a pre-assigned chair.

In the afternoon the entire conference would reconvene and hear remarks from you. We would work to have the afternoon session carried live on CNN and other networks, and/or by satellite feeds to venues in other locations. Your remarks would be introduced by a series of brief comments from victims, whose selection would illustrate the diversity and scope of the crisis. Your comments would outline the scope of the problem and suggest the Administration's response. After your remarks, the conference would hear reports from the panel chairs and you would ask them questions during a round table discussion. A short question and answer period involving the larger audience would also be included. A reception for participants could follow.

A book of the conference proceedings would be produced and distributed to the participants and others. A letter from you outlining what can be done to fight hate crimes and including any specific proposals coming out of the conference could be distributed widely.

Timing: The conference would take place in the fall of 1997.

Staffing: The Office of Public Liaison would take the lead in staffing. A working group to include Public Liaison staff and staff from other relevant White House Departments (Intergovernmental Affairs, Legislative Affairs, Cabinet Affairs, Communications, Domestic Policy Council, etc.) should be assembled to run the conference.

Funding: Outside funding, through a not-for-profit foundation or otherwise, may be available to offset some of the costs and to provide transportation and lodging for some needy participants.

IV. RECOMMENDATION

We recommend that a White House Conference on Hate Crimes be convened as outlined above.

Approve _____ Disapprove _____ Discuss further _____

Message Copied To:

Sylvia M. Mathews/WHO/EOP
John Podesta/WHO/EOP
John L. Hilley/WHO/EOP
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Christopher J. Lavery/WHO/EOP
Jonathan A. Kaplan/OPD/EOP
Richard Socarides/WHO/EOP

1997 Report on

**Lesbian, Gay, Bisexual,
Transgender Domestic
Violence**

by

The National Coalition of Anti-Violence Programs (NCAVP)



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I. INTRODUCTION

WHAT IS NCAVP?

The National Coalition of Anti-Violence Programs (NCAVP) is a coalition of lesbian, gay, bisexual, and transgender victim advocacy and documentation programs with approximately 25 member organizations located throughout the United States (See Appendix C). Before Officially forming in 1995, NCAVP members collaborated with the National Gay and Lesbian Task Force (NGLTF) for over a decade to create a united and coordinated response to violence against our communities. Since 1984, members have released an annual report every March, promoting public education about bias-motivated crimes against lesbian, gay, bisexual, and transgendered people. As the prevalence of domestic violence in our community has emerged from the shadows, NCAVP member organizations have increasingly adapted their missions and their services to respond to violence within the community as well. Building upon last year's successful press release about domestic violence, this year's report is the first of its kind and is released in conjunction with National Domestic Violence Awareness month.

RESEARCH QUESTIONS AND METHODS

The purpose of this report is to investigate the following research questions and to summarize our findings:

- A. How common is domestic violence victimization among lesbian, gay, bisexual, and transgendered people?
- B. Do state domestic violence criminal statutes include same-gender relationships in their definition of "domestic"?
- C. How available and accessible are services?
- D. What reporting trends have been observed?

In responding to these questions, we reviewed academic literature on same-sex battering, conducted legal research and policy analysis on state domestic violence criminal statutes, and conducted our own member survey, described below.

We surveyed the 12 NCAVP member organizations who documented and responded to domestic violence victimization in this community during calendar year 1996 (members who only document hate violence or who began services after calendar year 1996 were not included). For the purposes of this research, domestic violence was defined as verbal, physical, financial, and/or sexual abuse occurring in the context of a romantic partnership. Primarily, we investigated the number of documented incidents in each member organization's service area, their perception of the degree of availability of

local services, including police, hospitals, and traditional domestic violence services, and any observable reporting trends.

The survey instrument was four pages in length and consisted of three closed- and seven open-ended questions (see Appendix D). Surveys were completed by a staff person from each of the twelve member organizations who met criteria, and each respondent was asked to explain how data had been collected.

Completed surveys were received from NCAVP members in Boston, MA; Chicago, IL; Cleveland, OH; Columbus, OH; Denver, CO; Little Rock, AK; Los Angeles, CA; Minneapolis, MN; New York, NY; San Diego, CA; San Francisco, CA; and St. Louis, MO. Three of these members included data from other local sources with whom they collaborate, as follows: Boston, MA (The Network for Battered Lesbians and Bisexual Women, and Safe Transitions of the Beth Israel/Deaconess Medical Center); San Diego, CA (The San Diego Police Department), and San Francisco, CA (The Asian Women's Shelter, the San Francisco DA's Office Family Violence Project, the San Francisco Network for Battered Lesbians and Bisexual Women, and W.O.M.A.N., Inc.).

II. FINDINGS

A. HOW COMMON IS DOMESTIC VIOLENCE?

NCAVP Documented 2,352 Cases of Lesbian, Gay, Bisexual, and Transgender Domestic Violence Victimization in 1996

The twelve NCAVP member organizations which were surveyed documented 2,352 cases of lesbian, gay, bisexual, and transgender domestic violence victimization during calendar year 1996. Of those incidents, 1,191 were reported by men, and 1,161, by women. Transgendered persons were classified with the gender they identify as (for example, transgendered women were classified as females, and transgendered men, as males).

The services of the surveyed NCAVP member organizations are available to an estimated 47 million persons, less than 20% of the nation's population.

The number of incidents documented by each NCAVP member are displayed on the following page in tabular form.

**NUMBER OF LESBIAN, GAY, BISEXUAL, AND
TRANSGENDERED VICTIMS OF DOMESTIC VIOLENCE
DOCUMENTED BY NCAVP DURING 1996**

Geographic Area Where NCAVP Member is Located (N=12)	Number of Male Cases	Number of Female Cases	Total Number of Cases
San Francisco, CA	322	211	533
New York, NY	271	198	469
San Diego, CA	213	145	358
Minneapolis, MN	56	222	278
Los Angeles, CA	133	120	253
Boston, MA	52	123	175
Chicago, IL	72	94	166
Columbus, OH	46	37	83
Denver, CO	22	8	30
St. Louis, MO	2	2	4
Cleveland, OH	1	1	2
Little Rock, AK	1	0	1
TOTALS	1,191	1,161	2,352

Review of Prevalence Studies

Less than a dozen academic studies have examined the prevalence of battering among lesbian, gay, bisexual, and transgendered people. All have focused on lesbians and gay men, and most have not been published. Because these studies are exploratory, tend to use small samples, and tend not to use random sampling techniques, we can not draw firm conclusions from them. Taken together, however, their findings suggest a prevalence of between 25 and 33%, comparable to the findings on prevalence in heterosexual couples (Koss, 1990). Below is a description of some of the better known studies.

Brand and Kidd (1986) studied 75 heterosexual and 55 lesbian women and found that 25% of lesbians reported physical abuse and 7% rape from a partner while 27% of heterosexual women reported physical abuse and 9% rape.

Lockhart, White, Causby, and Isaac (1994) asked over 1,000 lesbians attending the Michigan Women's Music Festival to complete a relationship survey. They discovered that 31% had experienced physical aggression from a partner and 11.6% had experienced severe physical aggression on a recurrent basis.

Harms (1995) administered a relationship survey to 393 gay and bisexual men in the Castro neighborhood of San Francisco. He discovered that 26.1% reported they had been violent in their current or most recent male-male relationship, and 25.5% reported their partners had.

One NCAVP member (St. Louis, MO) recently conducted its own local survey at gay pride. Of 512 respondents, 22% of the gay men and 17% of the lesbians reported experiencing at least one type of violent behavior from their partner during the previous year (Cottin, 1997).

To date, only a few studies have examined the experiences of lesbian and gay victims of domestic violence (none have examined bisexual and transgendered persons' experiences). Both Renzetti (1992) and Merrill (1996) report that these victims experienced abusive behaviors in forms, frequencies, and patterns identical to those reported by battered heterosexual women. Both found that battering in these populations was unlikely to be mutually perpetrated. Furthermore, they found that gay and lesbian victims stayed in abusive relationships for reasons similar to those reported by battered heterosexual women.

To review individual stories of survivors written in their own words, refer to Appendix A.

Implications of the Findings

Given that only 2,352 cases were reported in contrast to a high prevalence rate, the number of *documented* cases of lesbian, gay, bisexual, and transgender domestic violence would appear to be a minuscule proportion of the number of *actual* cases. This is likely to be true for several reasons.

First, lesbian, gay, bisexual, and transgender domestic violence victims are not likely to report what has happened to them. For example, only four such victims reported their experience to the NCAVP member in St. Louis, MO, but a local prevalence study conducted during the same time period revealed that domestic violence victimization was quite common.

While domestic violence tends to be under-reported by heterosexual couples as well, it may be even less likely to be reported by lesbian, gay, bisexual, and transgendered persons. Many community members do not recognize domestic violence even when it is happening to them, because battering has been defined primarily as a heterosexual phenomenon. Even if they do fully recognize the problem, they may be extremely reluctant to seek assistance from traditional sources out of fear of being "outed" as a gay person or out of fear of being treated in a homophobic manner.

Furthermore, NCAVP members surveyed serve less than 20% of the nation's population, leaving the other 80% unaccounted for. Since surveyed members tend to be located in urban areas with more visible gay communities, incidents from rural and suburban areas are unreported.

The number of reported cases in each NCAVP location speaks more to that member's staffing capacity than it does to the extent of the problem, since the prevalence of the problem is not likely to vary by geographic location. It is no surprise that NCAVP members with the most staffing and hence the most capacity to assist and document (i.e., San Francisco, CA, and New York, NY) have reported the most cases. Yet, even these locations are not likely to have documented or assisted anywhere near the number of actual victims. Several NCAVP members have only a part-time staffperson or volunteer who is responsible for documenting and responding to incidents from an entire state.

To summarize, the 2,352 documented incidents in 1996 and the emerging academic literature suggest that battering is a prevalent and vastly under-reported problem among lesbian, gay, bisexual, and transgendered people.

B. DO STATE DOMESTIC VIOLENCE CRIMINAL STATUTES INCLUDE SAME-GENDER RELATIONSHIPS AS "DOMESTIC"?

Findings of the Policy Analysis

When domestic violence comes to the attention of criminal justice authorities, responding police officers and, subsequently, district attorneys, they must decide which criminal statutes apply so that they may charge the defendant appropriately, enhancing their chances of conviction.

Domestic violence perpetrators are commonly charged with assault, battery, sexual assault, vandalism, stalking, threats thereof, and other related charges. Because states have a compelling interest in encouraging nonviolent intimate relationships, they have all adopted legislation which permits certain types of crimes occurring between certain types of individuals to be charged as "domestic violence." In many cases, classification as domestic violence will increase the chances that the suspect will be arrested, that bail will be increased, and that stiffer, more appropriate sentences will be served.

This analysis focused upon how states define the type of relationship required between individuals to meet the criteria for "domestic" in criminal statutes. Civil statutes, which may permit domestic violence victims to obtain restraining orders, were not analyzed. To review how each of the states and the District of Columbia defines "domestic," refer to excerpts from domestic violence criminal statutes in Appendix B. For a visual summary of the below analysis, refer to the map on p. 9.

Seven States Exclude Same-Gender Relationship from Qualifying as "Domestic"

Of the 50 states, seven (7) states define domestic in such a way that same-gender relationship do not qualify. These states include: Arizona, Delaware, Indiana, Michigan, Montana, North Carolina, and South Carolina.

Because same-gender couples are not legally permitted to marry, they would not qualify under domestic violence criminal statutes in Arizona and Indiana which require persons to be "spouses" or "former spouses."

In the remaining five states, Delaware, Indiana, Michigan, Montana, North Carolina, and South Carolina, unmarried couples may qualify as "domestic" if they have lived together or dated as long as they are of the "opposite gender" or are "male" and "female." In other words, heterosexuality is required.

For example, the statute in Michigan defines "partners" as "persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex." Similarly, the statute in South Carolina defines "household member" as "a male and a female who are cohabiting or formerly have cohabited." Therefore, if a man assaulted his male partner with whom he lives in either of these states, he could not be charged with domestic violence, even though he could be if this same partner were female.

States which exclude same-gender relationships from being considered "domestic" are denoted on the map by black shading.

Criminal Statutes in Remaining States May or May Not Permit Same-Gender Relationships to be Considered Domestic, Depending Upon Case Law Interpretations, Attorney General Opinions, and Sodomy Statutes

The statutes of the remaining 42 states and the District of Columbia may or may not permit same-gender relationships to be considered domestic. Criminal statutes in these states commonly define domestic relationships as either "cohabitants" or "household members," (usually denoting people living in the same residence), or as people involved in a "dating," "engagement" or "sexual" relationship." These states also do not explicitly require that the parties be or have been legally married or be opposite-gendered. Again, refer to Appendix B for the specific language used by individual states.

The problem, however, is that terms such as "cohabitant" and "dating relationship" can be ambiguous, and same-gender-relationships may not always be perceived to be included. If the language is ambiguous, the statute's application to same-gender relationships can be challenged, and then appellate district courts may be called upon to make district-wide case law. In addition, the State Attorney General's opinion on such matters also influences whether prosecutors apply the domestic violence statutes to same-gender relationships. While extensive research on case law and Attorney General opinions was not conducted for this report, it is likely that at least some appellate district courts and some Attorney Generals would interpret ambiguous language narrowly to mean exclusively heterosexual.

For example, in 1994, the State Attorney General of West Virginia, James S. Gilmore issued his legal opinion that "cohabiting" couples in "'customary legal usage' refers only to opposite-sex couples who live together as husband and wife" (Chibbaro, 1995, p. unknown).

Several states, Florida, Kentucky, Mississippi, Ohio, and Oregon, have particularly ambiguous language in their statutes. For example, Kentucky uses the language "unmarried couples." Because "unmarried" is explicitly

stated, it could be argued that marriage must be a possibility in order for the couple to qualify as "domestic." Similarly, Florida includes persons who live or have lived together "as if a family," while Mississippi, Ohio, and Louisiana includes persons "living as spouses." Clearly, this language could be subject to challenge. With all likelihood, more conservative appellate courts would find it problematic to validate same-gender relationships as "family," and "persons living as spouses" has tended to mean common law marriages which do not apply to same-gender couples.

Of the 42 states that may be able to provide protection, 26 define domestic in their penal code as "cohabitating," being "household members," or living together. These states include: Alabama, Arkansas, Connecticut, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Ohio, New York, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming. These states are denoted on the map by gray shading.

The remaining 17 states and the District of Columbia define domestic as having a "dating," "engagement," or "sexual" relationship. These states include: Alaska, California, Colorado, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Pennsylvania, Rhode Island, Washington, and West Virginia. These states are denoted on the map by stripes.

Typically, these laws require less of a degree of affiliation between the two parties for them to qualify under domestic violence criminal statutes. As mentioned previously, however, they are also subject to challenge if applied to same-gender relationships when the language is ambiguous.

The existence of sodomy laws in 21 states is another confounding factor that influences whether or not domestic violence statutes can or will be applied to same-gender couples. Sodomy laws typically prohibit sexual contact between the mouth, anus, and genital area. In six (6) states (Arkansas, Kansas, Oklahoma, Maryland, Missouri, and Montana), sodomy laws specifically criminalize same-gender sex but not opposite-gender sex.

States with sodomy laws on the books are denoted on the map by an "S" and include: Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, Oklahoma, Rhode Island, South Carolina, Utah, and Virginia (NGLTF, 1997).

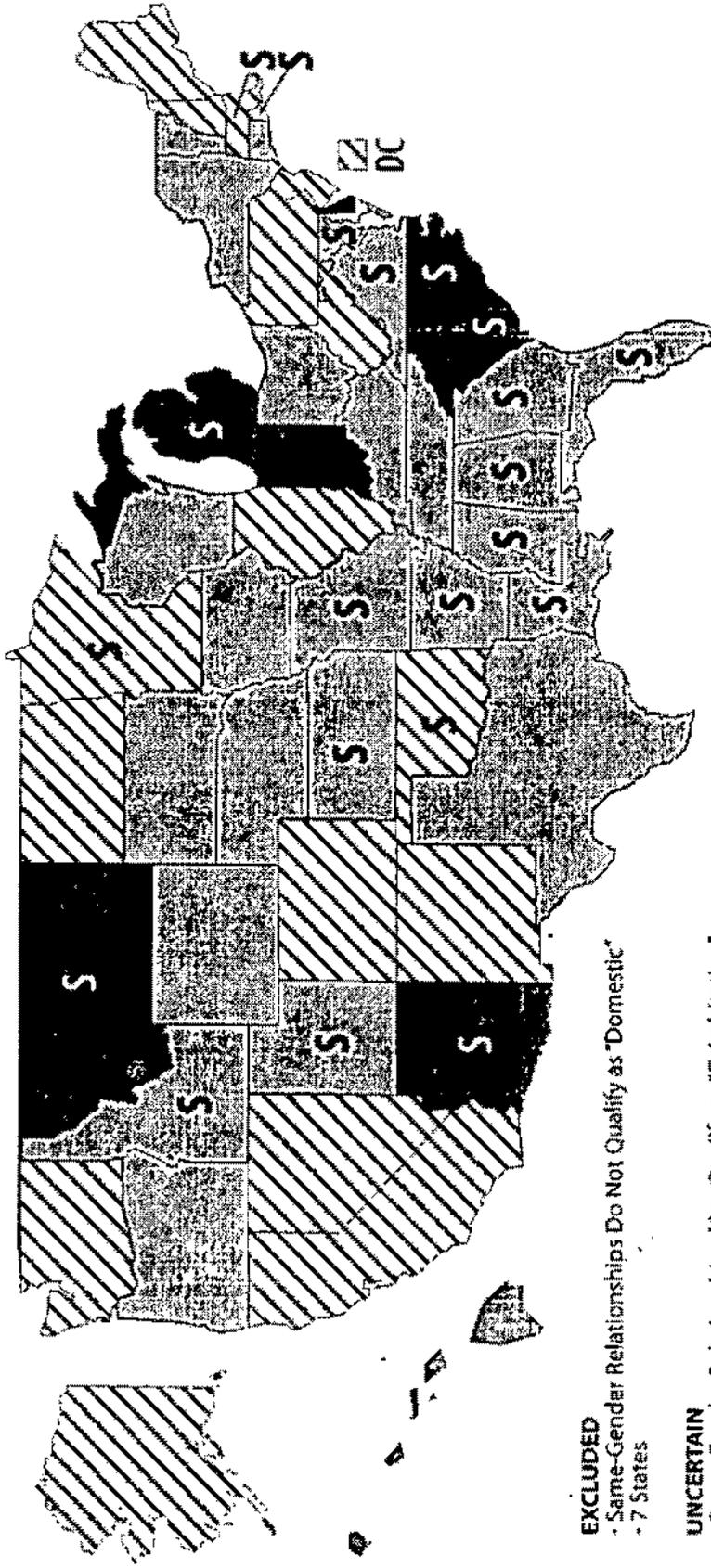
In four states, Louisiana, Maryland, Mississippi, and Oklahoma, the sodomy statutes could make including same-gender couples under domestic violence statutes a de facto legal impossibility because proving they had shared a



National Coalition of Anti-Violence Programs (NCAVP)

Do State Domestic Violence Statutes Include Same-Gender Relationships?

October 1997



EXCLUDED

- Same-Gender Relationships Do Not Qualify as "Domestic"
- 7 States

UNCERTAIN

- Same-Gender Relationships May Qualify as "Cohabitation"
- 26 States

UNCERTAIN

- Same-Gender Relationships May Qualify as "Dating Relationship"
- 17 States and District of Columbia

EXPLICITLY INCLUDED

- Same-Gender Relationships are explicitly Included in State Statute as "Domestic"
- 0 States

SODOMY LAW

- Sodomy Law Currently on the Books
- 21 States

For copies of the full report, contact the NCAVP member nearest you or Community United Against Violence, 973 Market Street, Suite 500, San Francisco, CA 94103, 415-777-5500

"domestic" relationship could entail proving the couple had committed a crime.

Maryland is the state which best exemplifies this legal quandary. Maryland defines "cohabitant" as "a person who has had a sexual relationship with the respondent and resided with the respondent in the home," but has also outlawed same-gender sexual relationships. Therefore, establishing the sexual relationship between the same-gender couple in a criminal proceeding about domestic violence would be less than prudent.

To summarize, although some states certainly have more expansive and inclusive domestic violence criminal statutes than others, none of the fifty states explicitly mentions that relationships between persons of the same gender shall qualify. As a result of this ambiguity, opportunities for challenging the inclusion of same-gender relationships are created. Decisions will then be based upon rulings made by district appellate courts and opinions issued by State Attorney Generals. Sodomy statutes may also significantly compromise the ability of prosecutors to utilize domestic violence criminal statutes in some states.

Implications of the Findings

These preliminary findings should be interpreted extremely cautiously. Complex legal matters such as these require a more detailed analysis than this report can provide. The laws were examined and analyzed as written without case law review and without research into common prosecutorial practices.

These preliminary findings do suggest, however, that domestic violence criminal statutes in at least seven (7) states do not apply to same-gender couples; in many other states, these statutes may be sufficiently ambiguous as to discourage their application.

If prosecutors can not apply or are discouraged from applying domestic violence criminal statutes to same-gender defendants, then these defendants may not be prosecuted as vigorously or as appropriately as they would be if they were heterosexual. As a result, the same-gender perpetrator may bail out of jail more easily, may not experience penalties as harsh or as appropriate as if she or he were heterosexual, and in general, may be held to lower levels of accountability. Consequently, same-gender victims of domestic violence may be afforded less protection.

Additionally, although this study focused on the law as written, it is also important to mention that use of the law--that is, discretionary practices of prosecutors--probably varies greatly. Same-gender domestic violence is a foreign concept to many district attorneys' offices across the nation, and it is often presumed to be mutually perpetrated or otherwise minimized. Even

if the prosecutors are able and willing to treat cases as if they involved women and men, juries are very often biased against same-gender relationships, potentially lowering the possibility of conviction.

Although this analysis has focused on the adverse effects the statutes may have upon same-gender couples experiencing domestic violence, many of these statutes potentially exclude other groups, including heterosexual women who are not and have never been married to their batterer, do not live with him, and do not share a child in common with him as well as elderly and disabled persons who are abused by personal attendants not related to them by blood or marriage.

It is difficult to provide an accurate legal picture of individual districts within states because of the great variability. To find out about the practices of local practices, contact your local District Attorney's Office as well as the State Attorney General's Office. To research case law, visit your nearest law library. Again, excerpts from state domestic violence statutes are provided in Appendix B.

C. HOW AVAILABLE AND ACCESSIBLE ARE SERVICES?

Findings from Survey Research of NCAVP Member Organizations

Staff members from the twelve NCAVP member organizations surveyed were asked to describe the status of local services available to lesbian, gay, bisexual, and transgendered victims of domestic violence.

Universally, all respondents mentioned the profound lack of services available to this population. Since most providers do not understand that this problem exists and since most traditional domestic violence services are designed to serve heterosexual female victims and heterosexual male perpetrators, lesbian, gay, bisexual, and transgendered persons affected by domestic violence have difficulty locating appropriate assistance.

Even though there are nearly 25 NCAVP members who have the capacity to address violence within this community, only half of the organization's members (the twelve surveyed) currently provide domestic violence assistance. Agencies and organizations developed to serve the gay community, even around violence issues, are not necessarily knowledgeable about or have the capacity to respond to battering.

Indeed, even NCAVP members who do provide domestic violence assistance are likely to be staffed by a single staffperson who is responsible for a geographic area of two or three million people.

NCAVP members report that their relationships with traditional domestic violence services vary. Many did not mention battered women's programs when describing local services. Those who did tended to describe them as "somewhat sensitive" or as "excellent." Several respondents noted that local battered women's shelters had initiated training on same-gender battering, sometimes facilitated by a staffperson from the NCAVP member. Although many shelters were willing to accept women battered by women, they had not actually served many. Renzetti (1992) found that battered lesbians and unlikely to seek services from traditional battered women's shelter and do not generally perceive such services as helpful.

Several respondents mentioned the difficulty in finding shelter for battered gay, bisexual, and transgendered men who do not qualify for battered women's shelters and for battered transgendered women who are often perceived by shelter staff as men. The NCAVP member from San Francisco, CA reported conducting a two-day training for local battered women's shelters on transgender sensitivity.

Programs in Boston, MA, Los Angeles, CA, and San Francisco, CA mentioned coalitions among NCAVP members and local battered women's programs that had recently formed in an attempt to develop and coordinate appropriate services.

As for NCAVP members' appraisal of local police departments, the perception is that when police arrive at the scene of same-gender domestic violence, they often fail to identify domestic violence as the problem. Even if they do, they are unlikely to know how to respond. As a result, they often either fail to intervene or they fail to identify and arrest the abuser, often arresting both parties or the victim and not the perpetrator. Seven NCAVP members (Boston, MA, Chicago, IL, Columbus, OH, Denver, CO, Minneapolis, MN, New York, NY, and San Diego, CA) reported they had trained police personnel on responding to same-gender domestic violence.

A few NCAVP members mentioned hospital-based or mental health agency services that they had successfully collaborated with.

Several NCAVP members also reported concern that there were no batterer treatment programs designed for lesbian, gay, bisexual, and transgendered people in their area. Since perpetrators create the problem, developing resources to provide treatment services is a part of the solution.

To summarize, there was unanimous agreement about the dearth of services available to this population for this problem. Resources typically made available to heterosexual individuals affected by battering, including improved access to shelter, criminal justice resources, and counseling

services, are perceived as unavailable or as significantly less available to lesbian, gay, bisexual, and transgendered victims.

Implications of the Findings

Information about services was gathered informally by asking respondents to answer an open-ended question; because of this methodology, the findings need to be interpreted cautiously. Moreover, responding NCAVP members tend to be located in urban areas with visible gay communities, and thus, their perceptions are not likely to reflect the concerns of suburban and rural areas.

In light of these caveats, it still seems reasonable to conclude that the lack of available services is substantial, especially since suburban and rural communities are even more likely to be under-served. The profound lack of services constitutes a significant problem for both battering victims and perpetrators from this community. If no appropriate services are available, the violence is likely to escalate, causing more injury.

D. WHAT REPORTING TRENDS HAVE BEEN OBSERVED?

Findings from Survey Research of NCAVP Member Organizations

Staff members from the twelve NCAVP member organizations surveyed were asked to describe any trends they had noticed in the willingness for battered lesbian, gay, bisexual, and transgendered victims to come forward.

Eight of the twelve respondents reported that they believed reporting of battering among lesbian, gay, bisexual, and transgendered individuals had increased. In the words of one respondent: "Given that this is an under-reported phenomenon, we still feel like reporting is substantially increasing over time." Most respondents attributed this observed increase to their increase in staffing, resultant outreach and community education efforts, and the greater visibility the issue had gained in community circles.

Two NCAVP members located in Columbus, OH and Denver, CO, mentioned that distribution of posters or brochures had increased reporting. Indeed, the NCAVP member in New York, NY, commented that when they ran a subway poster campaign in 1991, their numbers quadrupled. It appears that as services are developed, community education and outreach efforts are required to raise community awareness. As this awareness is raised to critical levels, community members are more likely to come forward and utilize the newly-developed services.

One of the respondents from a rural project eloquently described the difficulty of breaking through the barriers to reporting in her service area:

"The sense of siege experienced by living in a very conservative, Bible belt state with a Baptist preacher for a governor is indescribable. Gays, lesbians, bisexuals, and transgendered people are so often vilified by the public media that I believe the community is not likely to report incidents of domestic violence, only bias incidents--and even those reluctantly."

Implications of the Findings

Information about reporting trends was gathered informally by asking respondents to answer an open-ended question; because of this methodology, the findings need to be interpreted cautiously. Moreover, responding NCAVP members tend to be located in urban areas with visible gay communities, and thus, their perceptions are not likely to reflect the concerns of suburban and rural areas.

In areas where NCAVP members and similar agencies are creating services and implementing community education and outreach, it appears to have a significant impact upon the willingness of local community members to come forward and seek assistance.

III. CONCLUSION

SUMMARY OF FINDINGS

Domestic violence victimization among lesbian, gay, bisexual, and transgendered persons appears to be a serious but under-reported problem.

In 1996, 2,352 such incidents were reported to NCAVP organizations which serve less than 20% of the nation's population. Preliminary prevalence studies indicate that between 25 and 33% of lesbian, gay, bisexual, and transgendered persons are abused by their partners, comparable to the rate of domestic violence occurring in heterosexual relationships.

State statutes on domestic violence may not include same-gender relationships in their definition of "domestic." In fact, seven (7) states explicitly exclude same-gender relationships from qualifying. The remaining states may or may not include same-gender relationships in their definition

of "domestic", depending upon how they define it, case law interpretation, the state Attorney General's opinion, and the existence of sodomy laws.

Additionally, services designed for or made accessible to lesbian, gay, bisexual, and transgendered victims and perpetrators of domestic violence are frequently unavailable. When these services are developed, however, outreach and community education efforts appear to be successful at increasing the willingness of battering victims to seek assistance.

KEY RECOMMENDATIONS

Operating from the principle that our society believes domestic violence is unacceptable, including in the lesbian, gay, bisexual, and transgendered community, and operating from the principle that all individuals affected by battering, regardless of sexual orientation, should have equivalent access to information and services, we make the following recommendations:

• Develop Community-Based Services

Given the prevalence and seriousness of this problem and the profound lack of appropriate services, community-based services must be developed and implemented immediately. All local gay community agencies and traditional domestic violence service providers should collaborate to develop and implement services for victims and perpetrators of battering. It may be that such services could be integrated into pre-existing programs or that new services need to be created.

In order for viable services to be developed, they obviously must be funded. Federal, state, and local government should increase the amount of money available to fund domestic violence programs and should earmark funds for programs that provide domestic violence services specifically to this population.

Second, training and protocols should be developed and implemented for all providers who may come into contact with lesbian, gay, bisexual, or transgender domestic violence, including but not limited to: police officers, district attorneys, judges, family law attorneys, health and mental health professionals, domestic violence workers, and others who serve lesbian, gay, bisexual, and transgendered persons. Such training would increase the possibility of early detection of battering and enlarge the formal support system available to victims.

- **Conduct Aggressive Outreach and Community Education**

Because this problem is under-recognized and until recently, was virtually unnamed, aggressive community education and outreach campaigns which directly target various segments of the lesbian, gay, bisexual, and transgender community must be planned and implemented. The goal of such campaigns should be to raise community awareness, to increase willingness to seek assistance, and to change community norms to oppose battering.

- **Lobby for Legislative Change**

State statutes should be changed so that there can be no doubt that same-gender couples are considered "domestic," permitting and encouraging prosecutors to charge same-gender perpetrators with domestic violence. Depending upon the state, this may require amending the domestic violence statute, revising case law, and/or altering the Attorney General's opinions. Criminal statutes should define "domestic" in expansive terms so that protection is provided to anyone who has had a dating or intimate relationship, regardless of gender, sexual orientation, marital status, or cohabitation. If legislatures will not amend the laws, civil rights legal organizations should challenge them. Moreover, sodomy statutes need to be eliminated.

- **Commission National Study**

To better understand this problem as well as to educate the public, a nationwide study of domestic violence victimization among lesbian, gay, bisexual, and transgendered persons should be funded. This study should utilize scientific research methodologies and recruit a large, diverse sample. In addition to uncovering the prevalence, this study might also examine the forms, frequencies, patterns, and impact of domestic violence as well as help-seeking behaviors and effectiveness of services.

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APPENDIX A:

THREE SURVIVOR STORIES

*"She shoved my head into the dashboard . . .
she'd kill herself before letting me leave":*

The Story of "Vivian"

I met her in 1989. She was charming, beautiful, shy and quite intelligent. Our friendship grew, I fell in love, and we became lovers. She told me on our "first date" that we shouldn't tell anyone that we were seeing each other "this way" because they would just laugh at us and not take us seriously. So, our relationship became our own little secret, something so special (she said) that no one deserves to know of. She was the first woman I've had a relationship with and I was her first, and she *was* special.

The first incident happened at a shopping mall. She said she had a bad day and needed my company. I had explained to her that I had already had plans with my family, but I'll try to make it by a certain time. She said she'd wait. I hurried but ended up running about 20 minutes late. When I got in the car, she sneered at me, then slapped me. I got out, and she follows me begging me to forgive her. She continued to say... "I just like sticking with what I say and I just really needed you, I had a bad day, and you promised you'd be here and you broke your promise and I have every right to get upset." So I apologized.

I made it on time or I was even early to everything else after that. She made a routine for me to call her when I get home and when I leave the house. She said she didn't want to worry. So I didn't miss a call.

She didn't like my haircut and said, "You shouldn't have cut it, now you look like a tomboy and people are gonna know. I already told you they're not going to understand. They'll make fun of you, you know. They'll talk about you and, watch, your parents are gonna find out." She also started telling me things like: "Why don't you wear a dress?," "Don't wear jeans because they don't make you look like a lady," and, "Cross your legs when you sit, like the way I do."

In January '92, things became even more difficult. Almost every day she had at least one thing to pick on me about. Many times I came home from work with a red face and swollen eyes. I hid from my family.

At one point, she shoved my head into the dashboard and said that she'd kill herself before letting me leave. She kept striking me and striking me. A boy riding his bicycle had gone to a police car parked nearby. She ran to him crying. The officer led me to his vehicle and he started to place cuffs on me. She did not want to press charges. He figured since I was the "butcher" one, he assumed that I was the one hurting her.

When I told her I was moving out of the area (my only way to escape), she went ballistic. She kicked me out of the car, and she pushed me to the ground. I fell on all fours and she grabbed the back of my head by my hair and pounded me against a wood telephone pole. All I knew that this was my wake-up call. I don't remember how I got out of the situation that night. I just planned my escape. My parents never knew why I had to leave. I told them that I wanted to find a new place for myself, and it was time to live on my own and that's all they knew, even up to now.

Two days after my 25th birthday, I packed my car and drove off. I can still remember looking back.

Sharing my story is like living it all over again.

*"I remember being really confused
about what was happening":*

The Story of David Begor

I never thought I'd be saying that I was a victim of domestic violence but it's true.

I met my now ex-boyfriend at the gym in early 1996, and we began dating shortly thereafter. A few months later, he moved into my apartment. I loved him very much, and more than anything, I wanted our relationship to work.

The problems began almost immediately. He didn't pay his second months rent, he would go out all night and not return, and he began calling me names such as "whore" and telling me I was not enough to keep him satisfied.

I remember being really confused about what was happening. I had never been in this kind of situation before, and nothing made sense. We agreed that a couple's counselor might be able to help and began seeing one. In the mean time, I just kept hoping and trying to make things better.

Unfortunately, his verbal and physical abuse became more and more scary. At one point he told me that I was ugly and the only reason people liked me is because they felt sorry for me. As I became more afraid, I also became more angry at how he treated me. On one occasion when he cornered me in the apartment, I even threw a pan at him in self-defense, something he later used against me to prove I was the one with the problem.

With the counselor's assistance, I got him to agree to move out, but that did not stop the violence and harassment. He repeatedly showed up at my place of work, verbally abusing me and pushing me around. He followed me to my gym and threw his bicycle at me and then struck me in the. In the last incident, he struck and kicked me and ripped my shirt right off me. He then threatened to call the police and tell them that I had assaulted him. Since I am significantly bigger than he is, I was afraid they would believe him.

With help from Community United Against Violence in San Francisco, I obtained a civil restraining order against my ex, and believe it or not, I haven't heard from him since.

I've been able to figure out a lot about myself by staying in therapy, and I've learned first-hand what a serious problem domestic violence in the gay community is. One thing is certain: I know I never want to be in a relationship like that again.

"I screamed for help, and he gagged me with his hand":

The Story of "Vicki"

I am a 48-year old transgendered woman who was born and raised in the Philippines. I was involved with a drug addicted man who abused me for almost two years. Although I do not want my real name to be released, I do want people to know what happened to me, especially if it prevents other people from going through what I did.

At first I thought he was sweet and enjoyed his attention. I had recently transitioned to living full-time as a woman when I met him. I was excited about the possibility of having my dream come true of a live-in boyfriend and husband. Although he was a heterosexual man, he knew about me and accepted me for who I am.

Unfortunately, he loved his drugs much more than me. The first time he got physical with me was in August of 1993. He had blown his check on speed, crack, and a hotel room. When he returned home, he picked a verbal argument with me, jumped up and grabbed me by the neck, and slammed me against the edge of the closet, bruising me in several places.

He also abused me on my birthday. When I refused his demands for money to buy drugs, he dragged me from the hallway into the apartment and threw me on the bed. I screamed for help and he gagged me with his hand. He dragged me to the bathroom, locked us both in and struck me in the side of the head and backhanded me in the mouth. I gave him my keys and money to protect myself. So much for a happy birthday.

In another incident, he threatened and attacked me at my temporary job, causing me to lose employment. This was devastating because as a transgendered person it is very difficult to find a good job.

I stayed for all kinds of reasons: to live out the fantasy of a husband and wife, to cure him with my undying love, and to keep myself from feeling lonely. I stayed because it's a cold, cruel world out there for transgenders like myself, and because his sweetness, when he wasn't high, was a refuge. When I finally left out of fear, the assistance of a dear friend and a supportive counselor at a gay-friendly community organization was very helpful.

I'm glad the relationship is over, even though I'm still lonely. He calls me every now and again, especially if he wants something, but I can say no to him. No man is worth going through all that. I always treat people with respect and love, no matter who they are, and I know that I deserve the same in return--and nothing less.

APPENDIX B:

**STATE DEFINITIONS OF "DOMESTIC"
IN DOMESTIC VIOLENCE CRIMINAL
STATUTES**

STATE DEFINITIONS OF "DOMESTIC" IN DOMESTIC VIOLENCE CRIMINAL STATUTES

Note: Language that potentially includes or explicitly excludes same-gender relationships has been italicized for emphasis.

ALABAMA

Title 30, Chapter 5, 30-5-2. "(3) Family or Household members. A spouse, former spouse, parent child, or any other person related within the 6th degree consanguinity or affinity or common-law marriage, a person with whom the plaintiff has a child in common, or a present or former household member."

ALASKA

Title 18, Chapter 66, Article 5, 18.66.990. "(5) 'Household member' includes: (A) adults or minors who are current or former spouses; (B) *adults or minors who live together or who have lived together*; (C) *adults or minors who are dating or who have dated*; (D) *adults or minors who are engaged in or who have engaged in a sexual relationship*; (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law; (F) adults or minors who are related or formerly related by marriage; (G) persons who have a child of the relationship; and (H) minor children of a person in a relationship that is described in (A) - (G)."

ARIZONA

Title 36, Chapter 30, Article 1, 36-3001. "3. 'Family or household member' means a spouse, a former spouse, a parent, a child or other adult person related by consanguinity or affinity who is residing or has resided or has a child or children in common with the person committing the domestic violence and dependents of such persons."

ARKANSAS

Title 5, Subtitle 3, Chapter 26, Subchapter 3, 5-26-302. "'Family or household member' means: (1) spouses; (2) former spouses; (3) parents; (4) children; (5)(A) persons related by blood within the fourth degree of consanguinity; (B) degrees of consanguinity shall be computed pursuant to 28-9-212; and (6) persons who are presently residing or cohabitating or in the past have resided or cohabitated together."

CALIFORNIA

Part 4, Title 5, Chapter 1, 13700. "(b) 'Domestic violence' means abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, *cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship*. For purposes of this subdivision, 'cohabitant' means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of the relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) *sexual relations between the parties while sharing the same living quarters*, (2) *sharing of income or expenses*, (3) *joint use or ownership of property*, (4) *whether the parties hold themselves out as husband and wife*, (5) *the continuity of the relationship*, (6) *the length of the relationship*."

COLORADO

Title 18, Article 6, Part 8, 18-6-800.3. "(2) 'Intimate relationship' means a relationship between spouses, former spouses, *past or present unmarried couples*, or persons who are both parents of the same child regardless of whether the person have been married or have lived together at any time."

CONNECTICUT

Title 46B, Chapter 815E, 46b-38a. "(2) 'Family or household member' means (A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) *persons sixteen years of age or older than those persons in subparagraph (C) presently residing together or who have resided together*; and (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time.

DELAWARE

Title 10, Part I, Chapter 9, Subchapter III, Part D, 1041 "(2)(ii) Former spouses, *a man and a woman cohabitating together with or without a child of either or both*, or a man and a woman living separate and apart with a child in common."

DISTRICT OF COLUMBIA

Code 1981, Part II, Title 16, Chapter 10, Subchapter I, 16-1001. "(5) The term 'intrafamily offense' means an act punishable as a criminal offense committed by an offender upon a person: (A) to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has shared a mutual residence; or (B) with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship."

FLORIDA

Title XXX. Chapter 415. Part VI. 415/602. "(5) 'Family or household member' means spouses, former spouses, adults related by blood or marriage, *persons who are presently residing together as if a family or who have resided together in the past as if a family*, and persons who have a child in common regardless of whether they have been married or have resided together at any time."

GEORGIA

Title 19. Chapter 13. Article 1. 19-13-1 "'Family violence' means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, *or other persons living or formerly living in the same household.* . . ."

HAWAII

Division 3. Title 31. 586-1. "(2) 'Family and household members' means spouses or former spouses, parents, children, persons related by consanguinity, and *persons jointly residing or formerly residing in the same dwelling unit.*"

IDAHO

Title 39. Chapter 63. 39-6303. "(2) 'Family or household member' means spouses, former spouses, persons related by blood or marriage, *persons who reside or have resided together*, and persons who have a child in common regardless of whether they have been married or have lived together at any time."

ILLINOIS

Chapter 725. Act 5. Title IV. Article 112A. 5/112A-3. "(3) 'Family or household members' include spouses, former spouses, parents, children, stepchildren, and other person related by blood or by present or prior marriage, *persons who share or formerly shared a common dwelling*, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, *persons who have or have had a dating or engagement relationship*, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts should be deemed to constitute a dating relationship."

INDIANA

Title 12. Article 18. Chapter 4. 12-18-4-12 Sec. 12. "The services of a domestic violence prevention and treatment center as described in section 10 of this chapter must be available to a person who: (1) has been assaulted by the person's *spouse or former spouse*; or (2) fears imminent serious bodily injury from the *person's spouse or former spouse.*"

IOWA

Title VI. Subtitle 6. chapter 236. 236.2. "2. 'Domestic abuse' means committing assault as defined in section 708.1 under any of the following circumstances: a. *The assault is between family or household members who resided together at the time of assault.* b. *The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.* c. *The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.* d. *The assault is between persons who have been family and household members residing together within the past year and are not residing together at the time of the assault.* . . . 4 a. 'Family or household members' means spouses, *persons cohabiting*, parents, or other persons related by consanguinity or affinity."

KANSAS

Chapter 21. Part II. Article 34. 21-3412. "(4)(B) 'Family or household member' means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and *persons who are presently residing together or who have resided together in the past*, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time."

KENTUCKY

Title XXXV. Chapter 403. 403.720. "(2) 'Family member' means a spouse, including a former spouse, a parent, a child, a stepchild, or any other person related by consanguinity or affinity within the second degree; and (3) 'Member of an unmarried couple' means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a *member of an unmarried couple who are living together or have formerly lived together.*"

LOUISIANA

Title 46. Chapter 28. Part II. 2132. "(4) 'Family or household member' means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, foster children, and *any person living in the same residence with the defendant as spouse, whether married or not, if a minor child or children also live in the residence*, who are seeking protection under this Part.

MAINE

Title 19, Chapter 14, 762. "4. Family or household members. 'Family or household members' means spouses or former spouses, *individuals presently or formerly living together as spouses*, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of any household when the defendant is an adult household member and for the purposes of this chapter only, *includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute 'living as spouses.'*"

MARYLAND

Title 4, Subtitle 5, 4-501. "(3)(c) Cohabitant. -- 'Cohabitant' means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition."

MASSACHUSETTS

Part II, Title III, Chapter 209A 1. "Family or household members, persons who: (a) are or were married to one another; (b) are or were residing in the same household; (c) are or were related by blood or marriage; (d) having a child in common regardless of whether they have ever married or live together, or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors: (1) length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship."

MICHIGAN

Chapter 400, 400.1501. "(c) 'Domestic violence' means a violent physical attack or fear of violent physical attack perpetrated by an assailant against a victim; in which the victim is a person assaulted by or threatened by assault by his or her spouse or former spouse or an adult person or emancipated minor assaulted by an adult person of the opposite sex with whom the assaulted person cohabits or formerly cohabited; and in which the victim and assailant are or were involved in a consenting, sexual relationship."

MINNESOTA

Chapter 518B, 518B.01. "(b) 'Family or household member' means: (1) spouses and former spouses; (2) parents and children; (3) persons related by blood; (4) persons who are presently residing together or have resided together in the past; (5) persons who have a child in common regardless of whether they have been married or have lived together at any time; (6) a man and a woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and (7) persons involved in a significant romantic or sexual relationship."

MISSISSIPPI

Title 93, Chapter 21, Article 1, 93-21-3. "(d) 'Family or household member' means spouses, former spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity."

MISSOURI

Title XXX, Chapter 455, 455.010. "(5) Family or household member, spouses, former spouses, adults related by blood or marriage, *adults who are presently residing together or have resided together in the past* and adults who have a child in common regardless of whether they have been married or have resided together at any time.

MONTANA

Title 45, Chapter 5, 45-5-206. "(b) 'Partners' means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex."

NEBRASKA

Chapter 42, Article 9, 42-903. "(4) 'Family or household members' shall include spouses or former spouses, children, *persons who are presently residing together or who have resided together in the past*, persons who have a child in common whether or not they have been married or have lived together at any time, and other person related by consanguinity or affinity."

NEVADA

Title 3, Chapter 33, 33.018. "Domestic violence occurs when a person commits one of the following against or upon another to whom he is related by blood or marriage, *with whom he is or was actually residing, with whom he had or is having a dating relationship or with whom he has a child in common*, or upon his minor child or a minor child of that person."

NEW HAMPSHIRE

Title XII, Chapter 173-B, II. "'Family or household member' means: (a) Spouses, ex-spouses, *persons cohabiting with each other, persons who cohabited with each other but who no longer share the same residence*, and (b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant. IV. *Intimate partners means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.*"

NEW JERSEY

Title 2C, Subtitle 2, Part 3, Chapter 25, 2C:25-19, 14d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age and older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship."

NEW MEXICO

Chapter 40, Article 13, 40-13-2 D. "'Household member' means a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section."

NEW YORK

Chapter 55, Article 10-A, 481-c. "2. 'Family or household members' shall mean persons related by consanguinity or affinity or unrelated persons who are continually or at regular intervals living or in the past continually or at regular intervals lived in the same household, including victims and persons accused of having committed acts of domestic violence."

NORTH CAROLINA

Chapter 50B, 50B-1. "(3)(b) For purposes of this section, the term 'familial relationship' means a relationship wherein the parties involved: (1) are current or former spouses; (2) are persons of the opposite sex who live together or who have lived together; (3) are parents, grandparents, or others acting in loco parentis to a minor child, or children and grandchildren; (4) have a minor child in common."

NORTH DAKOTA

Title 14, Chapter 14-07.1. "4. 'Family or household member' means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence restraining order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02."

OHIO

Title XXIX, Chapter 2912, 2912.25 "(1)'Family or household member' means any of the following: (a) any of the following who is residing or has resided with the offender: (i) a spouse, a person living as a spouse, or a former spouse of the offender; (ii) a parent or a child of the offender, or another person related by consanguinity or affinity to the offender; (iii) a parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender; (b) the natural parent of any child of whom the offender is the other natural parent. (2) 'Person living as a spouse' means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within one year prior to the date of the alleged commission of the act in question."

OKLAHOMA

Title 22, Chapter 2, 60.1, 4. "(4)'Family or household members' means spouses, ex-spouses, present spouses of ex-spouses, parents, foster parents, children, persons otherwise related by blood or marriage, persons living in the same household or who formerly lived in the same household, persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time. This shall include the elderly and handicapped; and 5. Dating relationship means a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship."

OREGON

Title II, Chapter 108, 108.610, "(3) 'Family violence' means the physical injury, sexual abuse or forced imprisonment, or threat thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the present or has been related at some time in the past, to the extent that the person's health or welfare is harmed or threatened thereby, as determined in accordance with rules prescribed by the assistant director."

PENNSYLVANIA

Title 23, Part VII, Chapter 61, 6102, (5) "'Family or household members.' Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood."

RHODE ISLAND

Title 12, Chapter 29, 12-29-2. "(b) Family or household member. Spouses, former spouses, adult persons related by blood or marriage, *adult persons who are presently residing together or who have resided together in the past three (3) years*, and persons who have a child in common regardless of whether they have been married or lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past six (6) months which shall be determined by the court's consideration of the following factors: (1) the length of time of the relationship, (2) the type of the relationship, and (3) the frequency of the interaction between the parties."

SOUTH CAROLINA

Title 16, Chapter 25, Article 1, 16-25-10. "'Household member' defined. As used in this article, 'household member' means spouses, former spouses, parents and children, persons related by consanguinity or affinity within the second degree, persons who have a child in common, and a male and a female who are cohabiting or formerly have cohabited."

SOUTH DAKOTA

Title 25, Chapter 25-10, 25-10-1. "(2) 'Family or household members,' spouses, former spouses or persons related by consanguinity, adoption or law, persons living in the same household, persons who lived together, or persons who have had a child together."

TENNESSEE

Title 36, Chapter 3, Part 6, 36-3-601. "(4) 'Family or household member' means: (A) spouses; (B) persons living as spouses; (C) persons related by blood or marriage; (D) a respondent who is the parent of the petitioner's child; (E) persons whose sexual relationship has resulted in a current pregnancy; and (F) other persons jointly residing in the same dwelling unit, who are eighteen (18) years of age or older, or who are emancipated."

TEXAS

Title 4, Chapter 71, 71.01. "(2) 'Family violence' means: (A) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (3) 'Family' includes individuals related by consanguinity or affinity . . . individuals who are former spouses of each other, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, whether or not those individuals reside together; (4) 'Household' means a unit composed of persons living together in the same dwelling, whether or not they are related to each other; (5) 'Member of a household' includes a person who previously lived in a household."

UTAH

Title 77, Chapter 36, 77-36-1. "(2) 'Cohabitant' means an emancipated person pursuant to Section 15-2-1 or a person who is 16 years of age or older who: (a) is or was a spouse of the other party; (b) is or was living as if a spouse of the other party; (c) is related by blood or marriage to the other party; (d) has one or more children in common with the other party; or (e) resides or has resided in the same residence as the other party."

VERMONT

Title Fifteen, Chapter 21, 1101. "(2) 'household members' means persons living together or sharing occupancy and persons who have lived together in a sexual relationship."

VIRGINIA

Title 18.2, Chapter 4, Article 4, 18.2-57.2. "D. As used in this section, 'family or household member' means (i) the defendant's spouse, whether or not he or she resides in the same home with the defendant; (ii) the defendant's former spouse, whether or not he or she resides in the same home with the defendant; (iii) the defendant's parents, stepparents, children, stepchildren, brothers and sisters, grandparents and grandchild who reside in the same home with the defendant; (iv) the defendant's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law who reside in the same home with the defendant; (v) any person who has a child in common with the defendant, whether or not the defendant and that person have been married or have resided together at any time; or (vi) any individual who cohabits of who, within the previous twelve months, cohabited with the defendant, and any children of either of them then residing in the same home with the defendant."

WASHINGTON

Title 26, Chapter 26.50, 26.50.010. "(2) 'Family or household members' means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, *adult persons who are presently residing together or who have resided together in the past*, persons sixteen years of age or older who are presently residing together or have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a respondent sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren. (3) 'Dating relationship' means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties."

WEST VIRGINIA

Chapter 48. Article 2A. 48-2A-2. "(5)(b) 'Family or household member' means current or former spouses, persons living as spouses, persons who formerly resided as spouses, parents, children and stepchildren, current or former sexual or intimate partners, other persons related by blood or marriage, persons who are presently or, in the past have resided or cohabited together or a person with whom the victim has a child in common."

WISCONSIN

Chapter 968. 968.075. "(1)(a) 'Domestic abuse' means any of the following engaged in by an adult person against his or her spouse or former spouse, *against an adult with whom the person resides or formerly resided* or against an adult with whom the person has a child in common. . ."

WYOMING

Title 35. Chapter 21. 35-21-102. "(iv) 'Household member' means: (A) persons married to each other; (B) persons living with each other as if married; (C) persons formerly married to each other; (D) persons formerly living with each other as if married; (E) parents and their adult children; (F) other adults sharing common living quarters; (G) persons who are the parents of a child but who are not living with each other."

APPENDIX C:

**NCAVP MEMBER ORGANIZATIONS
AND AFFILIATES WHO CONTRIBUTED
DATA TO THIS REPORT**

**NCAVP MEMBER ORGANIZATIONS
WHO CONTRIBUTED DATA :**

ARKANSAS

Women's Project
2224 Main Street
Little Rock, AR 72206
Contact: Judy Matsuoka
501/372-5113
501/372-0009 (fax)

CALIFORNIA

Los Angeles Gay and Lesbian Center
Mental Health Services Department
1625 N. Schrader Blvd.
Los Angeles, CA 90028
Contact: Susan Holt
213/993-7645
213/993-7699 (fax)

The San Diego Lesbian and Gay Men's
Community Center
3916 Normal Street
San Diego, CA 92103
Contact: Joanne Miller
619/692-2077
619/260-3092 (fax)

Community United Against Violence
973 Market Street, Suite 500
San Francisco, CA 94103
Contact: Greg Merrill
415/777-5500
415/777-5565 (fax)

COLORADO

Colorado Gay and Lesbian Anti-Violence
Project
c/o Equality Colorado
POB 300476
Denver, CO 80203
Contact: Michelle Drea
303/839-5540
303/839-1361 (fax)

ILLINOIS

Horizons Anti-Violence Project
961 West Montana
Chicago, IL 60614
Contact: Toni Carrigan
773/472-6469
773/472-6643 (fax)

MASSACHUSETTS

Fenway Community Health Center
Victim Recovery Program
7 Haviland Street
Boston, MA 02115
Contact: Robb Johnson
617/267-0900 ext. 308
617/772-6643 (fax)

MINNESOTA

Gay and Lesbian Community Action Council
310 East 38 Street, Suite 204
Minneapolis, MN 55409
Contact: Tommie Seidel
612/822-0127
612/822-8786 (fax)

MISSOURI

St. Louis Lesbian and Gay Anti-Violence
Project
University of Missouri, Department of
Psychology
St. Louis, MO 63121
Contact: Suzanna Rose, Ph.D.
314/516-5467
314/516-5392 (fax)

NEW YORK

New York City Gay and Lesbian Anti-
Violence Project
647 Hudson Street
New York, NY 10014
Contact: Kris Drumm or Bea Hansen
212/807-6761
212/807-1044 (fax)

OHIO

The Lesbian/Gay Community Center
1418 West 29th Street
Cleveland, OH 44113
Contact: Curtis Proctor
216/522-1999
216/522-0025 (fax)

Buckeye Region Anti-Violence
Organization
POB 82068
Columbus, OH 43202
Contact: Gloria McCauley
614/268-9622
614/291-7357 (fax)

**OTHER ORGANIZATIONS (NON-
NCAVP MEMBERS) WHO
CONTRIBUTED DATA IN
CONJUNCTION WITH AN NCAVP
MEMBER:**

CALIFORNIA

Asian Women's Shelter
3543 18th Street #19
San Francisco, CA 94110
Contact: Cristy Chung/Joy Caneda
415/751-7110
415/751-0806 (fax)

San Francisco DA's Office
Family Violence Project
850 Bryant Street, Room 320
San Francisco, CA 94103
Contact: Crystal Weston
415/553-1035
415/553-9054 (fax)

San Francisco Network for Battered
Lesbians and Bisexual Women
3543 18th Street #28
San Francisco, CA 94110
Contact: Jennifer Grant
415/281-0276
415/255-2895 (fax)

W.O.M.A.N., Inc.
333 Valencia #251
San Francisco, CA 94103
Contact: Carol Pedro-Cirabisi
415/864-4777
415/864-1082 (fax)

MASSACHUSETTS

The Network for Battered Lesbians and
Bisexual Women
P.O. Box 6011
Boston, MA 02114
Contact: Beth Leventhal
617/424-8611 (phone/fax)

Safe Transitions
Beth Israel/Deaconess Medical Center
330 Brookline Avenue, Rose 200
Boston, MA 02110
Contact: Lisa Cary
617/667-8141
617/667-8701 (fax)

OTHER NCAVP ORGANIZATIONS:

ARIZONA

Anti-Violence Project/Valley of the Sun
Gay and Lesbian Community Center
3136 N. 3rd Avenue
Phoenix, AZ 85013
Contact: Lyle Miller
602/265-7283
602/234-0873 (fax)

CALIFORNIA

Anti-Violence Empowerment Committee
1615 Calle Canon
Santa Barbara, CA 93101
Contact: Neil Grey
805/569-0561
805/569-0526 (fax)

DISTRICT OF COLUMBIA

Gay Men and Lesbians Opposing Violence
P.O. Box 34622
Washington, D.C. 20005
Contact: Darry Cooper
202/418-2486
202/418-1069 (fax)

FLORIDA

Lesbian/Gay Community Association
P.O. Box 165
Jacksonville, FL 32201
Contact: Steve Winthrop
904/737-2325
904/727-7193 (fax)

MICHIGAN

Triangle Foundation
19641 West Seven Mile Road
Detroit, MI 48219
Contact: Jeffrey Montgomery
313/537-3323
313/537-3379 (fax)

NORTH CAROLINA

North Carolina Coalition for Gay and
Lesbian Equality
Contact: Kenda Kirby
919/286-1570

RHODE ISLAND

Rhode Island Alliance for Lesbian and Gay
Civil Rights
P.O. Box 5758, Weybosset Stn
Providence, RI 02903
Contact: | Rodney Davis/John Blakeslee
401/331-0227
401/273-0540

TEXAS

Lambda Services
P.O. Box 31321
El Paso, TX 79931
Contact: | Rob Knight
915/562-4297

UTAH

Anti-Violence Project
200 E. Crescent Parkway #179
Sandy, UT 84070
Contact: Shawn Blank
801/534-8989
801/297-4004

VIRGINIA

Virginians for Justice
6 North 6th Street LL3
Richmond, VA 23219
Contact: | Shirley Lesser
804/643-4516
804/643-2050 (fax)

APPENDIX D:

NCAVP MEMBER ORGANIZATION

SURVEY INSTRUMENT



Fall 1997 Domestic Violence Data Information Questionnaire

The Community United Against Violence
973 Market St.
Suite 500
San Francisco CA 94103
Contact Person: Tiffany Stephan, legal intern
Contact number: 415/777-5500
Fax number: 415/777-5565

PART A - statistical information

1) For future records please provide the following administrative information:

a) Organization's Title

b) Person completing the form's name and phone number

c) Contact person's name, address, phone and fax number

d) Is it OK to release this information to the media?

2) Please report the total number of reported incidents of same sex and transgendered domestic violence for the calendar year of 1996.

total # - _____

3) Please provide a gender break down (male/female) for the total number of reported incidents.

male - _____

female - _____

PART B - short answers

**** Please remember to limit the answers to a single paragraph. You may either use the space provided below or attach a separate answer sheet ****

1) Please describe how your organization collected the domestic violence data provided in Part A. Please include the data sources (i.e. whether or not you

included data from organizations other than your own such as battered women's programs, etc.), the steps taken to minimize double counting, and any other relevant information you feel is necessary to provide an accurate picture of your organization's data collection process.

2) Please describe the REAL total population that your organization serves. For example, this population maybe a city or a city's surrounding areas, however this population estimation should not include the areas that one may be slated to serve but for what ever reason can not, or does not, realistically serve.

3) Please describe the status of local services available to the members of the lesbian, gay, bisexual, and transgendered community who are victims of domestic violence. The services may include AVPs, Police, hospital, battered women shelters,...and any others.

4) This question has two sections:

A: Please describe any trends your organization has noticed in its work with victims of same sex domestic violence. These trends may include but are

not limited to: an increase or decrease in reported incidents, the seriousness of the incidents reported, which, if any, portion of the queer community is more likely to report a Domestic violence incident, etc.....

B. Please provide the reasons why you think your organization is observing these trends. These reasons may include but are not limited to: recent awareness campaigns, staffing changes, etc.....

5) Please state the two key messages that you would like to see included in this fall's press release.

6) Please state whether or not your local District Attorney's office prosecutes same sex domestic violence offenses as domestic violence rather than simple assault. Please give the name and number of any contact you have at your local DA's office.

7) **THIS QUESTION IS OPTIONAL** - Please submit a single survivor story. Please consider diversity of representation issues when selecting the survivor. If time permits, it is recommended that the survivor be interviewed and that a member of your organization write the story using the copious interview notes taken during the survivor interview. Please see the attached sample for format. This collaboration between the survivor and your organization insures that the story is written in a format appropriate for a press release. Of course, the survivor must look over the written statement and have the final OK on the story. The changing of the survivor's name is recommended for the protection of the survivor. Also, please provide a contact number for the staff member who wrote the story should any future editing be needed.

THANK YOU FOR YOUR TIME AND EFFORT IN FILLING OUT THIS QUESTIONNAIRE!!!!!! If there are any questions please contact Tiffany Stephan at CUA V 415/777-5500.

THIS QUESTIONNAIRE MUST BE RETURNED BY AUGUST 15TH

Hate Crimes

The Hate Crimes Bill

TUCKED INTO the Senate version of the Commerce, State, Justice appropriations bill is language by Sens. Ted Kennedy (D-Mass.) and Arlen Specter (R-Pa.) that expands the federal power to prosecute hate crimes. Also in the bill is alternative language by Judiciary Committee Chairman Orrin Hatch (R-Utah). The House version of the spending bill has no hate crimes language, and the future of the Commerce, State bill is generally in doubt. But hate crimes legislation is definitely closer to enactment now than it has been.

The Kennedy-Specter bill has been kicking around the Senate for almost two years, and it has improved in one key respect during that time. We remain skeptical of federalizing presumptively state offenses and also have problems with the notion of prosecuting differently crimes motivated by hatred and physically indistinguishable violent offenses motivated by other emotions. But the bill is certainly a more measured step than it was before.

Current law allows the federal government to prosecute someone who violently interferes with another person's exercise of a set of federally protected activities—such as attending public schools—because of that person's race, religion or national origin. The proposal would add sexual orientation, gender and disability status to the list of identities that can trigger federal involvement. And, critically, it would relax the requirement that the target be engaged in a federally protected activity.

Inclusion of sexual orientation under exist-

ing law is clearly a good idea (gender is a bit more complicated). The concern about the bill was that by eliminating the requirement that the target be engaged in a federally protected activity, it would create federal jurisdiction over a group of presumptively state matters in which the federal interest seemed limited. Hatred seems an inadequate predicate for federal involvement, and the bill did not do enough to keep the feds out of cases that could be handled adequately at the state level.

That, however, has changed somewhat. The latest version would permit federal prosecutors to take over a case only if a senior official of the Justice Department certified that the state in question either lacks jurisdiction, has requested federal involvement or is otherwise unable or unwilling to bring an appropriate case. This seems to restrict use of the law to those situations in which the states have truly failed to bring a violent perpetrator to justice.

The Hatch language, for its part, does not include sexual orientation within the scope of the existing federal authority—the major virtue of the Kennedy-Specter version. But one of its provisions does offer what is, in our judgment, a constructive alternative vision of the federal role in hate crimes. That provision authorizes the federal government to assist states technically and financially in prosecuting such crimes under their own laws. A marriage between this concept and some of the changes in the Kennedy-Specter version could produce a useful compromise.

The Washington Post

TUESDAY, AUGUST 10, 1999

What's News—

* * *

Business and Finance

THREE ALUMINUM COMPANIES are in talks to form the world's biggest producer of the metal. Alcan of Canada, Pechiney of France and Alusuisse Lonza of Switzerland would attempt to build a rival to U.S. aluminum giant Alcoa, people familiar with the situation say. The deal would also form a leading packaging concern with more than \$20 billion in revenue.

(Article on Page A3)

Lockheed is under investigation by federal prosecutors trying to determine if the company's electronic-warfare unit made improper payments to a consultant as part of an effort to win military contracts from Taiwan.

(Article on Page A3)

Lucent expects to announce today that it is buying International Network Services for about \$3.7 billion, people familiar with the matter say.

(Article on Page A3)

The Commerce Department threw out a request from independent U.S. oil companies to investigate producers in Iraq, Mexico, Saudi Arabia and Venezuela for alleged illegal dumping of oil in U.S. markets.

(Article on Page A2)

EMC agreed to buy Data General in a stock deal valued at about \$952 million, as the highflying computer-storage maker seeks to add a less-expensive product line to its arsenal.

(Article on Page A4)

The Dow Jones Industrial Average fell 6.33 points to 10707.70 amid growing worries that the Fed may raise interest rates more than once before year end. The yield on the bellwether 30-year Treasury bond rose to 6.227%, its highest level since November 1997.

(Article on Page C1)

State regulators blasted day-trading firms for deceptive marketing and possible securities-law violations, citing poor customer screening, questionable loan schemes and improper trades in customer accounts.

(Article on Page A3)

Soros is expected to announce that Duncan Hennes, former Bankers Trust treasurer, will become the hedge-fund firm's first-ever chief executive following a chaotic year.

(Article on Page C1)

American Airlines vowed to completely integrate Reno Air into its operations at the end of the month even without an agreement on how to handle pilot issues, risking a rise in tensions with its pilots union.

(Article on Page A2)

Qwest is expected to announce its own volley in an emerging long-distance price war by combining Internet access and long-distance services.

(Article on Page B6)

Internet IPOs are being pushed back on the calendar or having their prices and size reduced after investor demand began to fade last week.

(Article on Page C1)

The Postal Service unveiled a program that lets individuals and companies buy postage via the Internet. So far, only a pair of California companies, E-Stamp of San Mateo and Stamps.com of Santa Monica, have been licensed to sell the service.

(Article on Page A4)

Stocks: Volume 674,606,770 shares. Dow Jones Industrials 10707.70; off 6.33; transportation 3220.45, up 0.42; utilities 318.95, up 0.57.

Bonds: Lehman Brothers Treasury index 7936.70, off 70.96.

Commodities: Oil \$21.28 a barrel, up 40 cents. Dow Jones-AIG futures index 87.379, up 0.543; DJ spot index 123.54, up 0.36.

Dollar: 115.21 yen, up 0.29; 0.9330 euro, up 0.0035; 1.8248 marks, up 0.0069.

* * *

World-Wide

YELTSIN NAMED his fifth prime minister in 17 months after firing Stepashin.

Vladimir Putin, a 48-year-old former KGB spy, now takes his turn as the head of Russia's government. The enfeebled president also anointed Putin as the man he wants to succeed him in next year's election, and set Dec. 19 as the date for elections to the Duma. Stepashin, who served only three months, had been sent to the Caucasus over the weekend to deal with a new separatist crisis. He warned that the republic of Dagestan is in danger of following Chechnya toward secession. (Article on Page A18)

Russian troops massed near Dagestan villages held by Islamic rebels. Moscow denied charges that two of its planes bombed a village in nearby Georgia.

Israel's Barak gave assurances he intends to go ahead with a further West Bank pullout. Secretary of State Albright then said she will visit in early September. Meanwhile, Muslim clerics in Jerusalem warned of violence after Israeli police sealed up a new door in the Al Aqsa Mosque compound.

Pope John Paul II won't be allowed to visit in November. Hong Kong has decided, deferring to China. The Vatican maintains relations with Taiwan, which angers Beijing. The ruling revived concerns about how much autonomy China is willing to tolerate for Hong Kong. (Article on Page A19)

Taiwan's president met with a U.S. congressional delegation, but offered no apparent compromise in the diplomatic skirmish he touched off with China over Taiwanese statehood. Taiwan's defense chief said tensions are likely to persist through the March presidential election. (Article on Page A19)

Starr said he will finish his investigation before Hillary Clinton's expected 2000 Senate race, but gave no indication if he plans more prosecutions. In a TV interview on the fifth anniversary of his inquiry, Starr said he was "horrified" that Congress released his Lewinsky report without screening it.

Saipan labor lawsuits were settled by Nordstrom, J. Crew, Gymboree and Culter & Buck. The retailers agreed to pay a combined \$1.25 million to, among other things, monitor apparel contractors on the island. They were accused of using forced labor and other violations. (Article on Page A10)

Serbian opposition leaders met under the sponsorship of the Serbian Orthodox patriarch in an attempt to form a united front against Milosevic. In Kosovo, a French soldier was badly hurt as clashes with ethnic Albanians continued over access to the Serb section of the town of Kosovska Mitrovica.

Kazakhstan's president fired his defense and security chiefs for their involvement in the attempted sale of six MiGs at the start of the Kosovo air war. Azerbaijan seized the planes at the time, saying they were bound for Serbia in defiance of a NATO embargo.

Turkey-Iran tensions appeared to ease as Iran freed two Turkish soldiers captured after recent raids on Kurdish rebel bases that Tehran says infringed on its territory. Separately, Kurdish rebels say they will seek political legitimacy in Turkey as Ocalan, their condemned leader, has ordered.

The East Timor independence vote is emboldening separatist rebels in Indonesia's Aceh province, where at least 450 have been killed over the past 11 months. Other restive regions of Indonesia are also closely watching preparations for the Aug. 30 U.N. referendum. (Article on Page A19)

Thirteen migrant farm workers died when the van they were riding in hit a tractor-trailer near dawn on a rural road outside Five Points, Calif. Two others were hurt. Police said the laborers had just gotten off work sorting tomatoes in the fields.

Spain's prime minister backed the judiciary in its efforts to bring Pinochet to trial. It was his first public comment on the dispute. Meanwhile, Chile denied the visit of a military team to Madrid was linked to any impending move involving the ex-dictator.

Colombian rebels freed eight air passengers after allowing the pilot and co-pilot of a hijacked airliner to fly the plane back to Venezuela. Earlier, it was thought there were 14 people aboard the plane, which the rebels insist had been hijacked by others.

The Rising Sun flag was adopted officially as Japan's national symbol by parliament, as was an ode to the emperor. They have not been legally sanctioned since World War II, and debate since has centered on their associations with militarism.

Woman Beaten in Denver Says Attackers Used Racial Slur

DENVER—A black woman attacked at a convenience store said her assailants told her they were skinheads and used a racial slur before beating her in the latest in a string of apparent race-based crimes.

Shornie Francis, 26, of Aurora told police she was jumped by six people at a 7-Eleven about 2 a.m. on Thanksgiving Day. Francis said she asked the suspects if they were skinheads, they said "yes" and started hitting her. She was treated for facial injuries.

Skinheads have been linked to racist groups, although some deny involvement with white supremacists, saying they are aligned with a movement of working-class youths in England.

All six suspects were arrested and jailed for investigation of ethnic intimidation and assault.

The attack prompted the Denver NAACP to schedule a news conference next week to announce its recommendations for dealing with hate crimes that have shaken Colorado, including the fatal shootings of a Denver police officer and a West

African man by young men with ties to white supremacists.

Last Septuplet Taken Off Ventilator

DES MOINES—Nathan Roy McCaughey became the last of the Iowa septuplets taken off his ventilator, joining his three brothers and three sisters in fair condition.

The milestone for the septuplets, born Nov. 19, is a good sign, an expert said. "They've moved beyond the first critical phase," said Tim Cooper, of Baylor College of Medicine in Houston.

All seven are being fed through tubes in their noses. Doctors will monitor how the babies' underdeveloped digestive systems handle the formula.

NASA Considers Re-Release of Satellite

CAPE CANAVERAL—NASA will wait until Monday before deciding whether to re-release the solar observatory rescued from orbit earlier this week, a spokeswoman said.

Flight controllers were hoping the space shuttle Columbia could conserve enough rocket fuel for another release of Spartan, which had to be rescued by spacewalking astronauts after its first release was

botched. The procedure would call for the shuttle to back up to 40 miles from the satellite to give it an unimpeded view and minimize the risks of collision.

The \$10 million Spartan had been due to spend two days studying the corona, the sun's fiery outer atmosphere, with two scientific instruments before being retrieved and returned to Earth.

Contaminated Oysters Tied to Fisherman

ATLANTA—Oyster fishermen who dumped human waste into Louisiana coastal waters are likely to blame for an outbreak of stomach illness that made at least 179 oyster-eaters sick last winter in Alabama, Florida, Georgia, Louisiana and Mississippi, the government said.

The Centers for Disease Control and Prevention traced the tainted oysters to several retailers, wholesalers and fishermen, a clue that they were contaminated before they reached shore.

Most of the people who fell ill ate the oysters raw. Health authorities caution that cooking oysters is not a foolproof way of avoiding illness, because the contaminant is not necessarily killed by ordinary cooking methods.

FISHMEN SERVICES

Handwritten notes:
12/1/91
Raid and arrest of white supremacists - members of the group known as the "New Citizens" group

Handwritten note: Hate Crime

Cuban Hijacker Loses Bid to Stay in U.S.

Judge Denies Asylum, Disputing Claim That Man Led Anti-Castro Group

Associated Press

Acquittal of hijacking after brandishing pistols and forcing a plane to land at a U.S. military base was the first hurdle. The tougher task for Jose Leonardo Fernandez Pupo is convincing U.S. authorities that he headed a secret anti-Castro organization and should be granted asylum.

Ever since the former Cuban military officer hijacked a commuter flight and ordered it to the Guantanamo Naval Base last year, he has been on a legal roller coaster.

He looked like a winner in May when a jury in Washington acquitted him on grounds that his alternative had been imminent arrest as an anti-Castro rebel leader.

But last week, in an unannounced decision, an immigration judge found Pupo's story "not credible" and denied his request for political asylum.

The one concession that Immigration Judge John Bryant offered was to recommend that the defendant not be returned to Cuba because of a probability that he would be subjected to torture.

Pupo's lawyer, Wilfredo Allen, said deportation to a third country is the most likely outcome, although he said he knew of no country willing to accept the Cuban.

Meanwhile, Pupo, 54, spends his days at a detention center near Virginia Beach. He has been in confinement since the day he landed at Guantanamo after commandeering the Cuba Aerotaxi flight in eastern Cuba.

Pupo maintains that he led a

subversive group, numbering up to 1,000 militants, known as "Fifth of August 2000."

He testified that he became aware on July 3, 1996, that Cuban authorities were closing in on him. Had he not acted quickly, he testified, he would have been arrested and subjected to torture aimed at forcing him to identify others.

The federal jury that acquitted him in May found his testimony

"This court finds it difficult to believe that an anti-Castro group with an estimated 500 to 1,000 members can escape all recognition by American sources."

— Immigration Judge John Bryant

credible, but Bryant did not. Citing the testimony of an FBI investigator, Bryant said Pupo never mentioned the existence of the group during three days of questioning at the base. Official testimony also disclosed that the State Department had never come across the Fifth of August 2000.

This court finds it difficult to believe that an anti-Castro group

with an estimated 500 to 1,000 members can escape all recognition by American sources," Bryant wrote.

Bryant also found dubious Pupo's claims that he was ordered by the movement to divert the aircraft, and that a series of actions over the years had made clear his doubts about Cuba's communist system. Bryant cited documents suggesting that the defendant was in "relatively good stead" with the Communist Party and military not long before his flight from Cuba.

The judge also cited the trauma experienced by the passengers aboard the hijacked flight. Several testified during the jury trial about the fear they felt; at one point, Pupo fired a shot through an open cockpit window.

Finally, Bryant said Pupo could have made use of legal channels available to Cubans wishing to immigrate to the United States. He noted that other retired military officers have successfully done so.

Pupo spent 30 years in the Cuban military and saw service in three African countries. He joined the Interior Ministry in 1990, retiring with the rank of lieutenant colonel two months before the hijacking.

His acquittal in May flabbergasted some Clinton administration officials, concerned about any action that could result in an increase in air piracy. The State Department expressed disappointment at the verdict, and officials said this week they are pleased by Bryant's decision.

The Washington Post

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see KOREA, page A10

- Navy gears up to protect Wall Street from cyber sabotage. A10
- White House looks to Congress for more bailout funds. A10

Hate-based attack has peaceful aftermath

Menorah miracle bonds community

By Paula Gray Hunker
THE WASHINGTON TIMES

When Tammie Schmitzer lights the candles in her Hanukkah menorah tonight, she will be commemorating a four-year crusade against hate.

Her campaign has taken her from Alaska to New York. But it began in her Billings, Mont., home when skinheads threw a cinder block through her window, showering glass shards over her son's bed and smashing his holiday menorah.

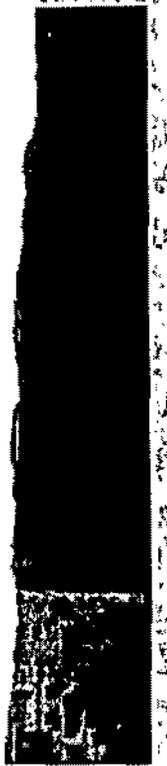
"My first reaction was to run and hide and somehow protect my family," recalled Mrs. Schmitzer during a recent speaking tour through New York and New Jersey. "But where could I run? I knew that standing my ground and fighting back was the right thing to do."

Facing a recent spate of white supremacist attacks, community leaders in Denver knew they needed to make a stand before hate poisoned their city. Looking for an expert, they invited Mrs. Schmitzer to a public rally last week.

She shared with the Denver audience the pain of being the victim of a hate crime, saying that the memory of that terror has not diminished with the years.

Mrs. Schmitzer also inspired them with the tale of her community's support for her and the other 50 Jewish families in the town of 80,000.

see ATTACK, page A9



The Washington Times
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FROM PAGE ONE

ATTACK

From page A1

Within a few days of the attack on the Schnitzers, more than 10,000 menorahs were placed in windows throughout town, telling the hatemongers that attacks on minorities would not be tolerated.

The story of this "menorah miracle" resonates because it teaches that peace on earth can be built — one person and one community at a time, Mrs. Schnitzer says.

Billings' defiant declaration to the hatemongers was "Not in our town," a slogan that is seen there on buttons and bumper stickers to this day.

Hate crimes are insidious, explains Mrs. Schnitzer, because they take advantage of fear and mistrust that already exists in the community. "The only antidote is community unity."

Denver was ready to unite. In the last two months a policeman was murdered by a skinhead, who then took his own life.

A few weeks later a self-proclaimed white supremacist murdered an African refugee and paralyzed a good Samaritan who came to his aid. In a jailhouse confession, the skinhead said he chose his victim because he was black.

Within days of the second incident, an ad hoc group of community leaders that ranged from the NAACP to the Anti-Defamation League met to discuss a solution.

"I heard about Tammie Schnitzer and the inspiring story of the menorahs," says Anita Fricklas, director of Denver's American Jewish Committee and one of the rally sponsors. She says Billings' example of community unity is the type of "pre-community rather than anti-hate message that we want to send."

Denver quickly reacted to the violence with prayer services, rallies and newspaper editorials. But, says Sol Rosenthal, executive director of Denver's Anti-Defamation League, "The sad part of all this is that it too often takes a tragedy to evoke community unity. What gets lost and never sees the light of me-



Photo by Victoria Hovav/The Washington Times

Isaac Schnitzer signs a copy of the book "The Christmas Menorahs" after speaking recently at the Montclair Public Library.

dia coverage is all the good people who toil day after day trying to better their community."

Mrs. Schnitzer agrees that it is the everyday work of community building that has a long-term impact, not the events staged for the TV cameras.

"I spoke in Denver because I am a mother," Mrs. Schnitzer says. "Not a Jewish mother, but a mother who wants her children to have a world that honors dignity and guarantees quality of life for everyone. I have to stay focused on that goal every day of my life."

It's a goal that has kept the dental hygienist and mother of two on the road as she shares her story.

"I was invited to speak to a group of students studying for advanced degrees in social work at the University of Gainesville (Fla.), and they asked me: 'How do we get where you are?' I told them, 'Become a dental hygienist.'"

"When our home was first targeted," says Mrs. Schnitzer, "some of the Jews in my community told me to lie low and get used to the hate. That made me angrier than anything."

Although her family had been involved in a number of community outreach activities — helping

to stop earlier skinhead attacks on other groups — it was the danger of apathy that galvanized her to make this a personal crusade.

Growing up a fourth-generation Lutheran in Montana, Mrs. Schnitzer had never known a Jew, let alone considered becoming one. But when this blond, willowy WASP fell in love with Brian Schnitzer, a Jewish doctor from Virginia, she fell in love with his faith as well.

Converting in Montana, which has a total of 500 Jewish families, meant a correspondence course and ordering kosher meat by mail. But she soon became prominent in both the Jewish and larger community.

Isaac Schnitzer was 5 years old when Billings faced a troubling rash of skinhead attacks in 1993. When he heard that an American Indian family's home had been defaced with racial slurs, he told his mother that he wanted to help. They joined others in repainting that home.

One week later, a cinder block was thrown through Isaac's bedroom window.

Within days, the community had heard the story and called a meeting. Margie MacDonald, a friend

of the Schnitzers' and a board member of the Montana Association of Churches, also attended the recent New York-New Jersey speaking tour. She recalled a story from her youth.

Mrs. MacDonald told her Billings neighbors how the Danes refused to cooperate when the Nazis tried to identify and round up the Jews in their country. The Jews were spared wearing the hated yellow star when their Danish king threatened to wear one on his sleeve and his fellow countrymen promised to follow suit. As a result, only 48 of the country's 7,800 Jews perished in Nazi concentration camps.

The Rev. Keith Torney of Billings' First Congregational Church suggested that Billings follow the Danes' example by putting menorahs in their windows.

"I drove Isaac proud town and showed him window after window with a menorah posted on," Mrs.

Schnitzer told the gathered schoolchildren. "He asked me, 'Are all these people Jewish?' I said, 'No, Isaac, all these people are your friends.'"

One menorah particularly touched Isaac. His kindergarten friend Theresa Hanley inspired her family of five brothers and sisters to make their own hand-drawn menorah, which they put up in their window, even though they knew it meant that it could soon be broken.

"I just kept thinking, 'What if I had to give up my Christmas tree because someone was attacking my family just because we were Christian?'" Teresa told the schoolchildren in the speaking tour that she and her mother shared with the Schnitzers and Mrs. MacDonald.

Justice Cohn, a New Jersey psychologist, wrote a children's book, "The Christmas Menorahs," about the incident and recently helped sponsor the Billings group's New Jersey and New York trip.

"From Saddam Hussein to the schoolhouse bully, we all face intimidation and feel powerless to change anything. This story says you and I — ordinary people — can make a difference," Ms. Cohn says.



The Washington Times
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