

A Compilation of Critiques on Hate Crimes Legislation

Many liberal, and even self-proclaimed progressive, organizations are fighting for “hate crimes” legislation nationally and state-by-state. The Senate just voted in favor of the “Matthew Shepard Bill”. Challenges and critiques are made over and over again by queer/trans/gender non-conforming folks, people of color, low-income/poor folks, and others most impacted by the many tentacles of the prison industrial complex, yet the campaigns continue on. This document is intended to be a bullet point compilation of materials put out by the following organizations (in no particular order): Sylvia Rivera Law Project, Audre Lorde Project, FIERCE, Queers for Economic Justice, Peter Cicchino Youth Project, Denver Chapter of INCITE! Women of Color Against Violence, Denver on Fire, and the article “Sanesha Stewart, Lawrence King, and why hate crimes legislation won’t help” by jack. The intention behind this document is to present a somewhat simplified critique that can inspire a desire for more information.

If a particular crime is deemed a hate crime by the state, the supposed perpetrator is automatically subject to a higher mandatory minimum sentence. For example, a crime that would carry a sentence of five years can be “enhanced” to eight years.

Plain and simple, hate crimes legislation increases the power and strength of the prison system by detaining more people for longer periods of time.

Trans people, people of color, and other marginalized groups are disproportionately incarcerated to an overwhelming degree. Trans and gender non-conforming people, particularly trans women of color, are regularly profiled and falsely arrested for doing nothing more than walking down the street.

If we are incarcerating those who commit violence against marginalized individuals/communities we then place them behind walls where they can continue to target these same people. It is not in the best interest of marginalized communities to depend on a system that already commits such great violence to then protect them.

Hate crime laws do not distinguish between oppressed groups and groups with social and institutional power.

This reality of the state makes it so that white people can accuse people of color of anti-white hate crimes, straight people accuse queers, and so on. Such a reality opens the door for marginalized people to be prosecuted for simply defending themselves against oppressive violence. This type of precedent setting also legitimizes ideologies of reverse racism that continuously deny the institutionalization of oppression.

Hate crime laws are an easy way for the government to act like it is on our communities’ side while continuing to discriminate against us. Liberal politicians and institutions can claim “anti-oppression” legitimacy and win points with communities affected by prejudice, while simultaneously using “sentencing enhancement” to justify building more prisons to lock us up in.

Hate crimes legislation is a liberal way of being “tough on crime” while building the power of the police, prosecutors, and prison guards. Rather than address systems of violence like health care disparities, economic exploitation, housing crisis, or police brutality, these politicians use hate-crimes legislation as their stamp of approval on “social issues”.

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Hate crimes laws focus on punishing the “perpetrator” and has no emphasis on providing support for the survivor or families and friends of those killed during an act of interpersonal hate violence.

We will only strengthen our communities if we take time to care for those who have experienced or been witness to violence. We have to survive systems of violence all the time and are incredibly resilient. We must focus on building our capacity to respond and support survivors and create transformative justice practices that can also heal the perpetrator (though focusing first and foremost on survivors).

Hate crime law sets up the State as protector, intending to deflect our attention from the violence it perpetrates, deploys, and sanctions. The government, its agents, and their institutions perpetuate systemic violence and set themselves up as the only avenue in which justice can be allocated; they will never be charged with hate crimes.

The state, which polices gender, race, sexuality, and other aspects of identity, is able to dismiss the ways it creates the systems that builds a culture of violence against marginalized communities as it pays prosecutors to go after individuals who commit particular types of interpersonal violence. Hate crimes legislation puts marginalized communities in the place of asking the state to play the savior while it continues to perpetuate violence.

Hate crimes don’t occur because there aren’t enough laws against them, and hate crimes won’t stop when those laws are in place. Hate crimes occur because, time and time again, our society demonstrates that certain people are worth less than others; that certain people are wrong, are perverse, are immoral in their very being. Creating more laws will not help our communities. Organizing for the passage of these kind of laws simply takes the time and energy out of communities that could instead spend the time creating alternative systems and building communities capable of starting transformative justice processes. Hate crimes bills are a distraction from the vital work necessary for community safety.

Passing hate crimes legislation will not bring back those who have been killed by hateful violence, it will not heal the wounds of the body or spirit, it will not give power to communities who have felt powerless after episodes of violence. Organizations like the Human Rights Campaign, National Gay and Lesbian Task Force, and others take advantage of our pain and suffering to garner support for these pieces of legislation. Advocates in the campaigns for hate crimes legislation tokenize individuals like Sanesha Stewart and Angie Zapata while still pushing forward the white, class privileged, gay and lesbian agenda. To truly honor those we have lost and to honestly heal ourselves we must resist the inclination to turn to the state for legitimacy or paternalistic protection; let us use the time to build our communities and care for our selves.