

GAY-RELATED HATE MURDERS: A DECADE-LONG EPIDEMIC

Thursday January 10, 2008

The Federal Bureau of Investigation reported from the beginning of 1996 through the end of 2005 a total of 167,570 homicides in the United States¹. During this same ten-year timeframe the FBI also reported 115 hate-crime homicides². This means that less than 0.07% of America's homicides were deemed hate-crime homicides during this timeframe. This makes sense because, contrary to the incorrect but often repeated mantra of many hate-crime law opponents that "all crimes are hate crimes", law enforcement investigators generally find that murders are motivated by greed, revenge, anger related to some personal aspect of the victim-perpetrator relationship unrelated to the victim's socio-demographics, or occur in the commission of another crime often for personal gain. The number and type of hate-crime homicides varies from year to year as do general homicide rates. In 1995—the year before the FBI began to report hate-crime homicides by specific bias motivation—there were 20 reported hate-crime homicides; during the ten-year timeframe we examined (i.e., 1996-2005, inclusive), 2000 had the largest number of hate-crime homicides (19) and 2004 the fewest (5).

Although about 2% of the U.S. adult population is thought by experts to be homosexual (gay or lesbian) which includes 2.8% of adult men identifying as gay³, the FBI's data indicate that 22.61% of all hate-crime homicides (viz., 26 murders and non-negligent homicides) were due to anti-gay bias (and by this we mean the combined FBI categories of "anti-Male Homosexual bias", "anti-Female Homosexual bias", and "anti-Homosexual bias"). Of the 26 anti-gay biased hate-crime homicides, 23 were due to "anti-Male Homosexual bias" (the remaining three were due to "anti-Homosexual bias"). This means that from 1996 through 2005—and assuming roughly equal numbers of American men and women—when a hate-based homicide occurred gay men were slightly greater than fourteen times more likely to be murdered than would be expected given their proportion of the nation's population. Conversely, not a single person was reported murdered from 1996 through 2005 because of "anti-Heterosexual bias", "anti-Bisexual bias", or "anti-Female Homosexual bias." The fourteen-fold increased risk of hate-based homicide that gay males face in the United States is definitely a conservative figure, because as we will show in this report, government figures underestimate the actual number of gay-related hate murders.

Two issues warrant attention. First is the issue of absolute numbers of hate-crime homicides versus the expected numbers of homicides based on population estimates, actual crime figures, and probability theory⁴. On the one hand 26 murders over a ten-year period in a nation of over two hundred million adults does not look like an epidemic of hate-based murder. The approximately 0.07% of all American homicides tallied as hate-crime homicides by the FBI does not appear to qualify as an epidemic, when taken at its face value. However, only by examining the magnitude of gay-related hate-crime homicides based on the lopsided proportion of heterosexual-to-homosexual adults in the

United States does the hidden epidemic reveal itself. Examining some recent figures illustrates this. The U.S. Census Bureau estimates that there were roughly 300 million persons living in the United States in 2007⁵. About 75% of these persons were 18 years of age or older which translates to about 225 million people. Assuming gay/lesbian persons account for 4.5 million of these adults based on results from a national study³ (2% of the population), and assuming self-identified bisexual persons account for another 2.25 million (1% of the population), we can figure that in 2007 there were approximately 218.25 million heterosexual adults living in the United States. In other words, in 2007 there were estimated to be about 48.5 times more heterosexual American adults in the United States than gay/lesbian adults; and, there were about 34.6 times more heterosexual adult men in the United States than gay men.

Also in 2007, there were reports of eight homicides that very strongly point to anti-gay bias. Seven of these eight victims were definitely gay men and details of their murders and of the alleged offenders strongly point to the alleged perpetrators knowing or correctly presuming the victims to be gay. These murdered gay men were: Kenneth Cummings, Jr., of Pearland, Texas; Steven Domer, of Oklahoma City, Oklahoma; Roberto “Pancho” Duncanson of Brooklyn, New York; Sean William Kennedy of Greenville, South Carolina; Satendar Singh, a Fijian man killed in Folsom, California; Ryan Keith Skipper killed in Wahneta, Florida; and, Ricky Williams, of Milton, West Virginia. The eighth likely gay-related hate-crime homicide victim in 2007 was Aaron Hall of Crothersville, Indiana, who according to family, media reports and police statements, was a heterosexual man who was likely erroneously presumed to be homosexual by the two young men who allegedly killed him. In most of these eight cases, it was reported that gay slurs were uttered around the time of the alleged crimes, but other evidence pointing toward anti-gay bias was also reported. Perhaps the most powerful way to show how these eight homicides constitute a national epidemic of gay-related hate-crime murder is to calculate how many *heterosexual men* would have had to have been murdered in 2007 *because of their sexual orientation* to equal the same magnitude of likely gay-related hate-crime murders that year. The calculation is a simple one: the number of probable gay-related murders (8) multiplied by the proportion of heterosexual-to-homosexual men in the population (which we calculated earlier to be 34.6) provides the total. That is, if in 2007 heterosexual men were murdered because of their sexual orientation at the same rate as were gay men—and those presumed to be gay—we would have seen about 277 such murders⁶. Hate-based homicides occurring nearly daily for an entire year due to only one form of bias (anti-heterosexual male bias), we believe, would have been called an alarming epidemic—by law enforcement, by criminologists, by the media, and by politicians from both major political parties on the local, state and national level. And rightfully so. Fortunately, similar to previous years, not a single heterosexual person was murdered in the United States because of their sexual orientation in 2007.

The second issue that warrants attention is the non-reporting of crimes as hate crimes, including serious crimes like murder. Recall those eight homicides in 2007 that are very likely the result of anti-gay bias. How many of these are going to be tallied by the FBI under the category “anti-Male Homosexual bias” or “anti-Homosexual bias” in their

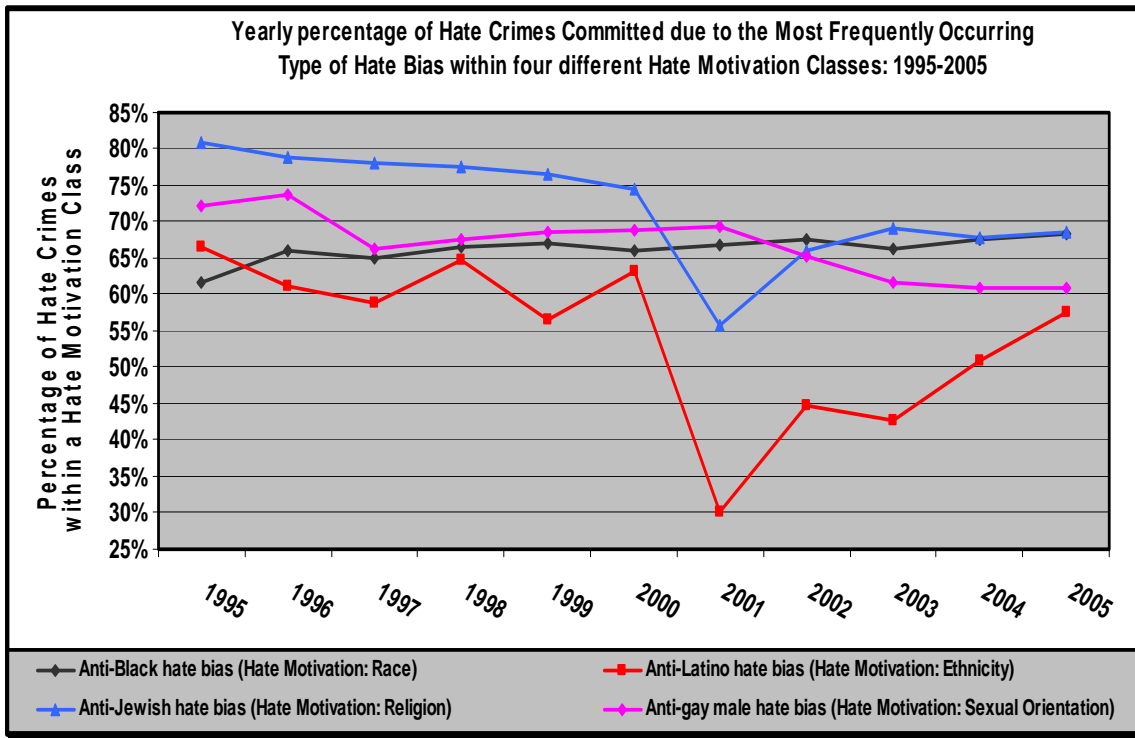
“Hate Crime Statistics 2007” report? Although the FBI report is not due to be released until late in 2008, we are certain that only a fraction will be reported as bias-motivated homicides for any of a number of reasons. First, some states that do not have hate crime laws that include sexual orientation as a bias-category fail to report to the FBI gay-based crimes as hate crimes. If there is no mechanism for police to record a crime as a bias-motivated incident at the time they prepare their reports of the incident, then it is unlikely to be recalled and provided to the FBI on the quarterly basis that law enforcement agencies provide bias-motivated incidents to the federal agency. In other words, if a crime cannot be recorded as a hate crime locally, and therefore if a defendant cannot be charged with a hate crime, then that crime probably will not be included in the FBI’s hate crime tabulations. Indiana, Oklahoma, South Carolina, Texas, and West Virginia were five states without hate crime statutes covering sexual orientation bias as of 2007, and five of the eight homicides in 2007 that we mentioned previously in this report occurred in these five states. As one example of an adjudicated, obvious hate-crime murder based on anti-gay bias that went unreported to the FBI, on July 22, 2004, the strangled, stabbed, and partially decapitated body of an 18-year-old gay man, Mr. Scotty Joe Weaver, was found not far from his Bay Minette, Alabama apartment. The Baldwin County District Attorney maintained that Mr. Weaver—whose body was also set on fire—was murdered solely because of his sexual orientation, and two men were convicted of his murder. However, neither defendant—one of whom could be paroled as early as 2022 when he is 36 years of age—could be charged with a hate crime, because in 2004 Alabama’s hate crime law did not include sexual orientation as a crime-bias category (it still hadn’t in 2007). The 2004 FBI data shows no hate-crime homicides occurring in Alabama, even though the local police and the prosecutor understood the motivation for the homicide. Mr. Weaver’s murder thus went uncounted as a gay-based hate-crime slaying.

Second, some law enforcement agencies simply do not participate in voluntarily providing crime data to the FBI’s Uniform Crime Reporting (UCR) Program. From 1996 through 2005, the range of the percentage of the United States population that was covered by law enforcement agencies that participated in the UCR Program varied from 92% (in 2001) to 96% (in 1998), meaning that millions of citizens are subject to crimes, including hate crimes, but these crimes will never be reported to the FBI. Bias-motivated offenses are also not reported for another reason. Not all law enforcement agencies that provide crime data under the UCR Program voluntarily provide *hate crime* data under the separate UCR hate crime reporting program. This means that some hate crimes are reported to the FBI, but they are *not* reported as hate crimes. According to FBI figures, agencies not participating in hate-crime reporting are more likely to be in rural and suburban areas of the United States than in urban areas. In 2004, for example, over 8.7 million people living in cities larger than 50,000 were covered by the UCR Program but not by the UCR hate crime reporting program, yet over 30 million Americans living in rural counties, suburban counties, and in cities smaller than 50,000 were covered by the UCR Program but not by the UCR hate crime reporting program⁷. These approximately 38.7 million people uncovered by the hate crime reporting program constituted 13% of the nation’s population. The urban/non-urban difference in hate crime reporting is relevant because, at least in 2007, most of the probable gay-related homicides did not occur in an urban area. Combining the 13% of Americans not covered by the hate crime

reporting program (but who were covered by the UCR Program) with the 4% to 8% of Americans not covered by either UCR crime reporting program means that between 17% and 21% of Americans were not covered by the hate crime reporting program from 1996 through 2005, according to FBI figures⁷. This means that roughly 51 million to 63 million Americans could never have had hate crimes against them reported to the FBI during this ten-year timeframe, and this level of exclusion contributes to the underestimation of actual hate-based gay homicides.

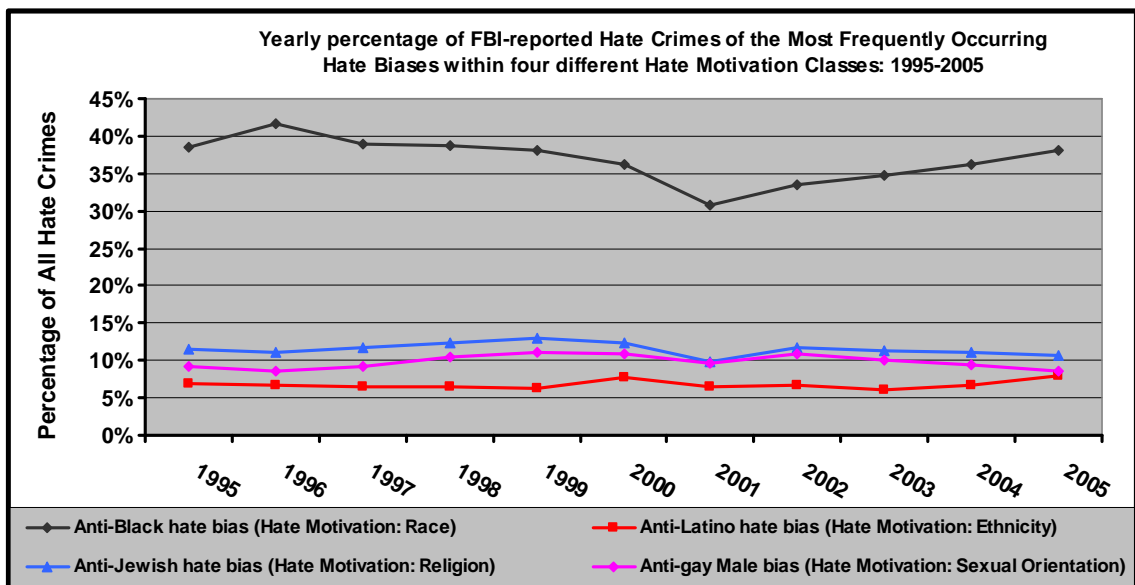
Third, even if their agencies participate in both the UCR Program and the UCR hate crime reporting program some law enforcement investigators simply refuse to consider that a crime might be a hate crime. This appears to be the case in at least one of the 2007 homicides we previously mentioned. Specifically, media reports of the Milton, West Virginia, homicide of Ricky Williams—who died September 5, 2007—indicate that at least one eyewitness reported gay slurs were hurled at the victim at the time he was being assaulted; yet, the Milton police, including its police chief, have refused to consider Mr. Williams' death a hate-crime homicide. Indeed, the Milton, West Virginia police have not even considered that the forced entry into Mr. Williams' apartment by the three said to have attacked him or his beating—a vicious assault that left him so head-injured that he did not know what year it was when the police arrived at his home—were crimes at all. As of the date of this report no one has been arrested for his assault, for his murder, or for forcing their way into Mr. Williams' apartment, and as of the date of this report *no one has even been detained for questioning* in the September 1, 2007, incident that led to his death, because police have said they cannot determine who delivered the fatal blow to Mr. Williams⁸. This is nothing new, and we believe that it is not rare. In an adjudicated gay-related homicide in 1999, Pfc. Barry Winchell, a man known to be gay by the two fellow soldiers who were ultimately connected to his homicide, was beaten to death with a baseball bat as he slept in his bed at Fort Campbell, Kentucky (Christian County), in July, 1999. Yet, reviewing the FBI's 1999 reported hate crimes out of Kentucky revealed no tabulation of any kind of hate crime occurring at either Fort Campbell or in Christian County. Indeed, the FBI recorded no hate-crime homicide in Kentucky in 1999. Mr. Winchell was pronounced dead on July 5, 1999, at a Nashville, Tennessee hospital where he was taken following the brutal attack on him—one that crushed the 21-year-old soldier's skull. Yet, a review of FBI hate crime data reveals no reports of any kind of sexual orientation-based hate crime (or *any* hate crime of *any* type) in either Nashville or the county in which it is located (Davidson County) in 1999. Additionally, the FBI recorded no hate-crime homicide in Tennessee in 1999. So horrific was Mr. Winchell's murder and so well-known was the anti-gay bias in it that two movies were made about it⁹. Yet, his homicide was not tabulated as a hate-crime. We suspect that there are many other undeniable gay-related hate murders—as well as other types of hate crimes motivated by various forms of bias—that go unreported to the FBI. Examining the bias motivation of all reported hate crimes puts the fourteen-fold increased hate-crime murder risk of gay men in a broader context. Graph One shows that anti-gay male bias has accounted for between 60% and 75% of all sexual orientation-based hate crimes from 1995 through 2005. During this same timeframe, by contrast, anti-heterosexual bias (male and female) has accounted for only about 2% of all sexual orientation-based hate crimes.

Graph One



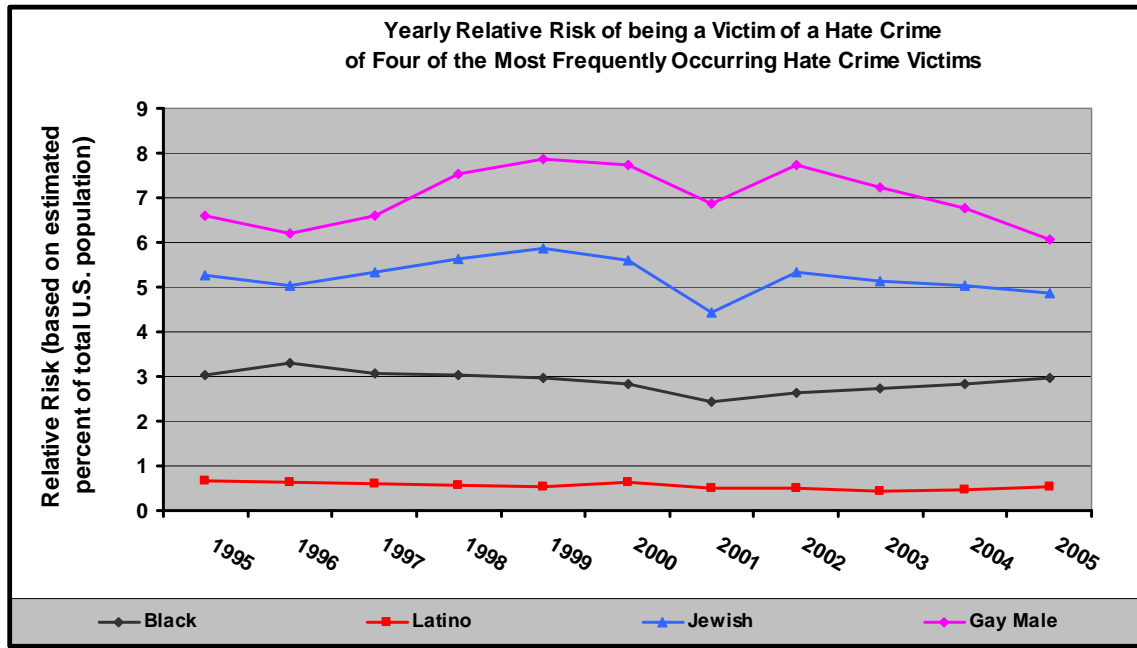
Additionally, although only about 2.8% of the U.S. adult male population is gay, FBI statistics reveal that from 1995 through 2005 anti-gay male bias was the reason for about 10% of all hate crimes nationwide, as shown in Graph Two.

Graph Two



Based on population estimates and actual reported hate crimes, gay men have had a six- to eight-fold relative risk of being a hate crime victim in the United States from 1995 through 2005 as illustrated in Graph Three¹⁰. This graph shows that gay men’s relative risk of being the target of a hate crime is the highest of all typically targeted groups.

Graph Three



So whereas gay men have had a six- to eight-times higher likelihood of being a hate crime victim than would be expected, they have a fourteen times higher likelihood of being a hate crime *murder* victim. However underreported the FBI’s hate crime data is, the government’s statistics make one thing clear: the hatred directed toward gay men—solely because of their sexual orientation—is frighteningly lethal. America’s homophobia-based homicides constitute an ugly, up-to-now hidden, and decade-long epidemic masked in part by under-reporting. If at least a fourteen-fold increased risk of being murdered because of one’s homosexual orientation over a ten-year timeframe is *not* evidence of a national crime epidemic of a specific, targeted victim-group, we don’t know what is.

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Footnotes:

¹From the Federal Bureau of Investigation’s annual “Uniform Crime Reports” which can be viewed at www.fbi.gov. Different numbers of murders and non-negligent homicides are reported for the same year in different annual FBI reports. There appears to be a preliminary figure and an updated figure given the following year. In the text of this report we use the updated figure (taken from Table 1 of the “Crime in the United States 2005” report); the total number of preliminarily reported homicides from 1996 through 2005 was 167,334.

²From the yearly publications of the *Criminal Justice Information Services Division* of the Federal Bureau of Investigation, U.S. Department of Justice, called “Hate Crime Statistics”, which are available at www.fbi.gov.

³From the National Health and Social Life Survey: Edward O. Laumann, John H. Gagnon, Robert T. Michael, and Stuart Michaels. “The Social organization of sexuality in the United States”. Chicago: University of Chicago Press, 1994. In the NHSLS 2.8% of males identified as gay, and 1.4% of females identified as lesbian. This means that 1.4% of the total U.S. population self-identified as gay and 0.7% of the population self-identified as lesbian, assuming a sex-ratio of 1:1.

⁴Homicide epidemics, like rare disease or illness epidemics, are best revealed when looking not at absolute numbers, but rather at expected numbers of a population in a given region during a specific timeframe. The Centers for Disease Control and state health departments employ this logic when examining possible disease and illness outbreaks. For instance, ten people contracting a rare form of cancer in a given year in the United States may not initially seem peculiar, but if nine of the ten people who contracted the disease reside in one county in Iowa, then there is reason for assuming something is occurring in that county to have contributed to the development of the cancer.

⁵From the U.S. Census Bureau’s website: www.census.gov.

⁶If one would rather examine *actual* gay-related hate-crime murders, rather than our analyses of what we believe constitute gay-related hate-crime homicides in 2007, this can be done easily as well. Simply multiply the number of gay-related hate-crime murders from 1996 through 2005 as reported by the FBI (26) by the proportion of heterosexuals to homosexuals in the population (which is estimated to be 48.5). This number—1,261 homicides—is the number of hate-based homicides from 1996 through 2005 of heterosexual people that would have had to have been reported in order to have reached the same rate as that which actually was reported against gay people and those perceived to be gay. This translates into about 126 hate-based murders per year (or about ten per month) annually for a ten-year period of time. In actuality no such heterosexual-bias murders were reported.

⁷Figures calculated from data on page two of the FBI’s “Hate Crime Statistics, 2004.”

⁸The Kentucky Equality Federation’s blogsite, *United We Stand*, has been instrumental in revealing details about Mr. Williams’ attack, about the three alleged perpetrators, and about the response by the local police, the responding EMTs, and the local sheriff’s department.

⁹One was the 2003 made-for-television drama “Soldier’s Girl” and one was the 2004 television documentary “Soldiers’ Secrets.”

¹⁰The relative risk of each victim type was calculated by dividing (for each year) the percentage of occurrence of bias motivation of all FBI-reported hate crimes for each motivation-bias type (anti-Black, anti-Latino, anti-Jewish, anti-gay male) by the percentage estimate of the bias group's population in the United States. Blacks were estimated to make up between 12.64% and 12.79% of the U.S. population (based on U.S. Census and annual census estimates from 1995 through 2005), Latinos were estimated to make up between 10.31% and 14.46% of the U.S. population (based on U.S. Census and annual census estimates from 1995 through 2005), Jewish persons were estimated to make up 2.2% of the U.S. population (based on estimates from the *American Jewish Year Book 2002* published by the *American Jewish Committee* in 2002 and edited by David Singer), and gay males were estimated to make up 1.4% of the total U.S. population over eighteen years of age (based on data from the *National Health and Social Life Survey [NHSLLS]* conducted in the United States in 1994). Of note is that due to stigma and to sampling differences, population estimates from 1990-2004 of gay males in the United States have ranged from 0.7% to 6% of males, with most estimates to be between 3% and 6% of males (or 1.5% and 3% of the total population). The 1.4% used here is believed to be the most accurate estimate given the sampling procedures used in the NHSLLS. Also of note is that the population estimate of Jewish persons in the United States used here is somewhat different from that arrived at by *The National Jewish Population Survey 2000-01*, which estimated the United States Jewish population to be 5.2 million persons, which would be 1.85% of the total U.S. population (based on the 2000 U.S. Census). Of additional note is that while population estimates of Latinos in the United States used here were based on government census information, it is known that there are many Latinos in the United States who, due to illegal immigration, would not be included in the U.S. census estimates. Given these issues, the yearly relative risk for being a target of a hate crime may be somewhat *lower* for Latinos and for gay males than are represented in the graph. However, one final note about hate crimes is that for a variety of reasons including fear, stigma, and non-participation of law enforcement or other agencies, hate crimes are known to be underreported. Thus, the relative risk of being the victim of a hate crime because of anti-Black, anti-Latino, anti-Jewish, and anti-gay male bias/hatred charted in the graph represents an *underestimation* of risk for these groups of individuals.

