

# DISARM ~~HATE~~

**IN AN AVERAGE YEAR, OVER 10,300 HATE CRIMES INVOLVE A FIREARM—MORE THAN 28 EACH DAY. AND REPORTS INDICATE THAT HATE CRIMES ARE ON THE RISE. BUT IN MOST OF THE UNITED STATES, THERE IS NO LAW PROHIBITING PEOPLE CONVICTED OF VIOLENT HATE CRIMES FROM HAVING GUNS. IT IS MORE IMPORTANT THAN EVER THAT STATES AND THE FEDERAL GOVERNMENT PASS LAWS ENSURING THAT PEOPLE WHO COMMIT HATE CRIMES ARE PROHIBITED FROM HAVING GUNS.**

## ARMED AND HATEFUL OLATHE, KANSAS FEBRUARY 2017

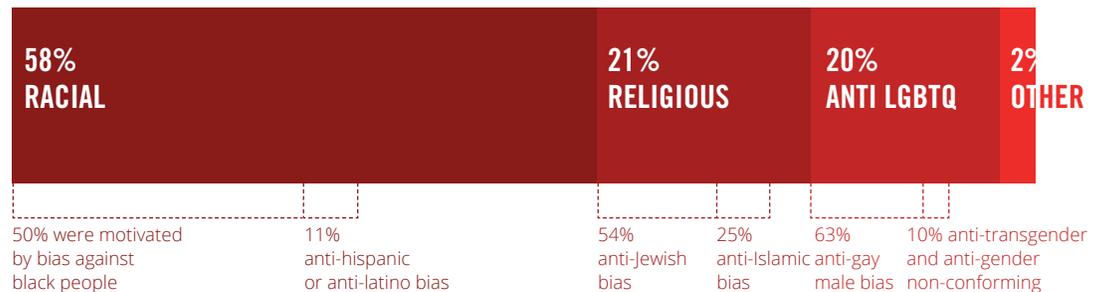
*Two aviation engineers originally from India, Srinivas Kuchibhotla and Alok Madasani, were enjoying an after-work drink at a bar. A white man in his 50s approached and demanded to know if Kuchibhotla and Madasani's immigration "status was legal." Employees escorted him out—but 30 minutes later he returned, and this time he brought a gun. He fired at the two engineers, hitting and killing Kuchibhotla, injuring Madasani, and seriously injuring a bystander who chased the shooter down. Shortly after the shooting, Olathe police and prosecutors, along with the FBI, announced they were investigating the shooting as a hate crime.*

## IN AN AVERAGE YEAR, OVER 10,300 HATE CRIMES INVOLVE A FIREARM—MORE THAN 28 EACH DAY.

The Olathe shooting underscores the devastating impact of arming hate. In an average year, over 10,300 hate crimes involve a firearm—more than 28 each day.<sup>3</sup> Easy access to firearms gives a single, hate-filled individual the means to shatter numerous lives and whole communities—including the June 2015 shooting at the Charleston A.M.E. church, when a white supremacist opened fire at black members of a prayer group, killing nine; and the June 2016 shooting at Pulse, when a gunman shot and killed 49 people and injured 53 at a gay nightclub.

The vast majority of hate crimes are directed against communities of color, religious minorities, and LGBTQ people. Hate crimes are driven by prejudice against race, color, religion, national origin, sexual orientation, disability, gender or gender identity, or other core parts of a person's identity. In 2016, the most recent year for which data are available, over half of hate crimes reported to the FBI were motivated by racism, and approximately a quarter of all hate crimes were motivated by bias against black people.<sup>4</sup> Over 20% of hate crimes were motivated by bias against a religion, most often anti-Semitism or anti-Islamic prejudice.<sup>5</sup> And nearly as many were driven by prejudice against someone's sexual orientation or gender identity, most often bias against gay men, lesbians, and transgender and gender non-conforming people.<sup>6</sup>

## HATE CRIMES DRIVERS



**Troublingly, hate crimes are on the rise.** Cities across the country have reported significant spikes in hate crimes since the November 2016 presidential election,<sup>7</sup> and reports indicate that individuals motivated by prejudice feel emboldened in the current climate.<sup>8</sup> For example, anti-Muslim hate groups tripled in 2016, and anti-Muslim hate crimes have been rising since at least 2015.<sup>9</sup> Similarly, incidents of anti-Semitic harassment, vandalism, and assault climbed 86 percent in the first quarter of 2017 compared with the same period the year before.<sup>10</sup> Additionally, 2017 was the deadliest year on record for the LGBTQ community in the United States, particularly among transgender individuals;<sup>11</sup> At least 28 transgender people, mostly transgender women of color, were killed in 2017 - a firearm was involved in more than half of these incidents.<sup>12</sup>

**Hate crimes have a devastating impact on individual victims, and the reverberating effects are experienced by entire groups and communities.** Victims of violent hate crimes are more

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likely to experience post-traumatic stress, depression, anxiety, anger, and safety concerns compared to victims of other violent crimes.<sup>13</sup> Research shows that hate crimes have reverberating impacts, sending the message to members of the victim's identity group that they are unwelcome and unsafe.<sup>14</sup> Indeed, hate crimes can lead to feelings of victimization among entire communities and identity groups.<sup>15</sup>

**Hate crimes involving firearms were the catalyst for hate crime laws in the United States, but there is no federal law prohibiting people convicted of violent hate crimes from having guns.**

The first major federal protections against hate crimes were enacted in the wake of the shooting of civil rights leader Martin Luther King, Jr. And the most recent enhancement of federal hate crimes laws—the 2009 Matthew Shepherd and James Byrd Jr Hate Crimes Prevent Act—came after the death of Matthew Shepherd. Shepherd's killers, who targeted him because he was gay, threatened him with a firearm and pistol-whipped him with it before they left him to die.<sup>16</sup>

**Federal and state gun laws do not adequately address the problem.** Hate crime misdemeanors can be serious, violent acts, but under federal law, a violent or threatening hate crime misdemeanor conviction does not prohibit someone from buying or having a gun. And most states do not have a law closing that gap.<sup>17</sup> In order to keep firearms out of the hands of perpetrators of hate crimes, it is essential that states and the federal government prohibit criminals convicted of violent or threatening misdemeanor hate crimes from buying or having guns.

**Endnotes**

1 Press, Associated. 2017. "Suspect Apparently Thought He Shot 'Iranian People' In Kansas Bar Attack That Killed Indian Man". Los Angeles Times. <http://www.latimes.com/nation/nationnow/la-na-911call-bar-shooting-20170227-story.html>.

2 Dempsey, Tom. 2017. "Olathe Shooting Suspect Asked Victims If 'Status Was Legal'". KSHB. <http://www.kshb.com/news/region-kansas/olathe/olathe-shooting-suspect-asked-victims-if-status-was-legal>.

3 Everytown for Gun Safety analysis of Special Report: Hate Crime Victimization, 2004-2015, BJS, June 2017. Available here: <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>. To obtain the annual and daily average of hate crimes involving a firearm, Everytown used a 10-year average of violent hate crime victimizations (2006-2015) combined with the proportion of violent hate crimes involving firearms (4.5%). Analysis was limited to violent hate crimes perpetrated against a person or persons and does not include hate crimes against property (such as defacing a victim's home, burglary, and vehicle theft).

4 United States Department of Justice, Federal Bureau of Investigation. November 2017. Hate Crime Statistics, 2016. <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>. It is important to note that the FBI UCR data on hate crimes is a severe undercount since most participating law enforcement agencies do not report these data to the FBI. The FBI UCR data were used to understand bias motivations since a breakdown for single bias incidents is provided unlike the NCVS data, which for all other purposes, is a more complete source of data for hate crime victimizations.

5 Id.

6 Id.

7 Durkin, Erin. 2017. "NYC Council members seek \$25M to protect cultural institutions from hate crimes." New York Daily News. <http://www.nydailynews.com/news/politics/nyc-seeks-25m-protect-cultural-institutions-hate-crimes-article-1.2992518?cid=bitly;Hermann,Peter>. 2017. "Hate crimes reported in D.C. are up." Washington Post. [https://www.washingtonpost.com/local/public-safety/hate-crimes-reported-in-dc-are-up/2017/03/10/bdd93bc6-05af-11e7-ad5b-d22680e18d10\\_story.html?utm\\_term=.faf9746749f9](https://www.washingtonpost.com/local/public-safety/hate-crimes-reported-in-dc-are-up/2017/03/10/bdd93bc6-05af-11e7-ad5b-d22680e18d10_story.html?utm_term=.faf9746749f9)

8 Williams, Aaron. 2018. "Hate crimes rose the day after Trump was elected, FBI data show." Washington Post. [https://www.washingtonpost.com/news/post-nation/wp/2018/03/23/hate-crimes-rose-the-day-after-trump-was-elected-fbi-data-show/?utm\\_term=.8e9afb8cc31d](https://www.washingtonpost.com/news/post-nation/wp/2018/03/23/hate-crimes-rose-the-day-after-trump-was-elected-fbi-data-show/?utm_term=.8e9afb8cc31d)

9 Southern Poverty Law Center. 2017. "Hate groups increase for second consecutive year as Trump electrifies radical right." <https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right>; Southern Poverty Law Center. 2017. "Hate crimes rise for second straight year; Anti-Muslim violence soars amid President Trump's xenophobic rhetoric." <https://www.splcenter.org/news/2017/11/13/hate-crimes-rise-second-straight-year-anti-muslim-violence-soars-amid-president-trumps;Abdelkader,Engy>, When Islamophobia Turns Violent: The 2016 U.S. Presidential Elections (May 2, 2016). The Bridge Initiative, Georgetown University, 2016. Available at SSRN: <https://ssrn.com/abstract=2779201>

10 Anti-Defamation League. 2017. "U.S. Anti-Semitic Incidents Spike 86 Percent So Far in 2017 After Surging Last Year, ADL Finds." <https://www.adl.org/news/press-releases/us-anti-semitic-incidents-spike-86-percent-so-far-in-2017>.

11 National Coalition of Anti-Violence Programs (NCAVP). (2018). A Crisis of

Hate: A Report on Homicides Against Lesbian, Gay, Bisexual and Transgender People: Emily Waters, Larissa Pham, Chelsea Convery.

12 Everytown for Gun Safety, analysis of Everytown database tracking firearm homicides involving transgender victims, 2017.

13 Herek, G. M., Gillis, J. R., & Cogan, J. C. (1999). Psychological sequelae of hate-crime victimization among lesbian, gay, and bisexual adults. *Journal of Consulting and Clinical Psychology*, 67, 945-951; Gerstenfeld, P. B. (2011). Hate crimes: Causes, controls, and controversies. Thousand Oaks, CA: Sage; McDevitt J., Balboni J., Garcia L., & Gu J. (2001). Consequences for victims: A comparison of bias- and non-bias-motivated assaults. *American Behavioral Scientist*, 45, 697-713.

14 Noelle, M. (2002). The ripple effect of the Matthew Shepard murder: Impact on the assumptive worlds of members of the targeted group. *American Behavioral Scientist*, 46, 27-50.

15 Bell, J. G., & Perry, B. (2015). Outside looking in: The community impacts of anti-lesbian, gay, and bisexual hate crime. *Journal of homosexuality*, 62(1), 98-120.

16 The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, <https://www.justice.gov/crt/matthew-shepard-and-james-byrd-jr-hate-crimes-prevention-act-2009-0>

17 22 states and the District of Columbia prohibit gun possession by all people who have been convicted of hate-crime assault. Three of these states have gun laws specifically targeting misdemeanor hate crimes (MA, MN, NJ), while 16 punish hate-crime assault as a felony, resulting in firearm prohibition. CT, DE, ID, IL, MD, MI, MO, MT, NE, NH, NY, PA, SD, TN, WA, WV, WI. Three states and D.C. prohibit gun possession by all people convicted of assault, regardless of motivation. CA, CT, HI, DC.