## White Ppl PIC

PIC Text: *Plan text* for white people only. **HLR 88**

Combatting Racial Violence: A Legislative Proposal," 101 Harvard Law Review 1270 (1988). NS

To combat racial violence against minorities effectively, states must single out such crimes for special attention. This proposal calls for special criminal statutes to punish crimes of physical violence against racial minorities; it is limited to interracial violence directed at minorities on the ground that such violence, representing the most acute manifestation of the racial subjugation that has plagued American society, produces unique and serious social harms not necessarily associated with interracial violence against nonminorities.7 Under the proposal, interracial crimes would carry a heavier punishment than regular intraracial or interminority crimes of physical violence. In cases involving a white defendant and a minority victim, the government would be required to bring charges under the proposed criminal statute rather than under regular criminal statutes. The proposed criminal statute would contain all of the standard elements of its intraracial counterpart, including mens rea and actus reus.8 The only difference would be a requirement that the prosecution prove beyond a reasonable doubt that the victim is a member of a minority race and that the defendant is white.9

## Communities CP

**CP Text:** The AFF actor(s) will extend funding for social service organizations that provide safe havens for hate crime survivors and educate citizens on violence against marginalized groups. This is key to shift away from a state centric approach relying on law enforcement and police and solves the case before hate crimes can happen. **Law 11**

Victoria Law, Anti-Transgender Violence: How Hate-Crime Laws Have Failed, Truthout, 2011. NS

Some LGBT groups recognize that, rather than rely on increased policing and imprisonment, they must create their own tools and strategies to address and prevent violence. In Minneapolis, understanding that discrimination and violence prevents many transgender youth from accessing social services. TYSN works with service providers to educate them about transgender issues, particularly those affecting transgender youth. By promoting awareness and education, TYSN seeks to increase safety for transgender youth in schools and social service structures, such as health care clinics, shelters and social work agencies. In addition, building awareness enables social workers and service providers to recognize and address violence and other harm when it does occur. According to Katie Burgess, this educational work builds "slow-moving but broad-reaching systems of accountability where those most affected have a voice."(2) In New York, members of the Audre Lorde Project formed the Safe OUTside the System Collective to address street and state violence (including increased police harassment and brutality). In 2007, the collective launched the Safe Neighborhood Campaign, inviting community members to become involved in promoting personal safety. The campaign works with local businesses and other public spaces to provide safe havens from sexist, homophobic, transphobic and racist language, behavior and violence. In the first phase of the campaign, neighborhood public spaces - such as restaurants, businesses and community groups - agree to visibly identify themselves as safe havens for those threatened with or fleeing from violence. In the next phase, the campaign incorporates an educational component. Members of the campaign train the owners and employees of the designated safe spaces, as well as other community members, on homophobia, transphobia and ways to prevent violence without relying on law enforcement.(3) The model of the Safe Neighborhoods Campaign is one that can be replicated in other cities and by other businesses. It raises the question of what would have happened if the McDonald's in Baltimore had a safe space/no harassment policy, and if its employees had been trained to recognize and de-escalate situations before they became violent. As a Maryland-based advocate stated, shortly after the attack on Polis, "The two girls charged with the crime are in dire need of an education. Clearly they know nothing of sex and gender and have been taught that violence is acceptable." We can also ask what would have happened if the bartenders at Schooner Tavern had been trained to recognize and de-escalate situations. Would McDonald have been attacked? Would Schmitz have been stabbed? Having tools and strategies to address, if not prevent, violence before it occurs is more effective than figuring out appropriate responses in the aftermath of trauma. Rather than advocating for greater punishment after harm has been committed, projects like TYSN and the Audre Lorde Project's Safe Neighborhoods Campaign organize communities to prevent violence before it occurs.

## State K

Hate crime legislation masks and replicates institutional violence by framing the state as a savior for marginalized communities, who in reality it will never help. **Lydon 12**

* Serial policy failure - Liberal politicians never act in interest of marg groups – just seek to increase own power/popularity and look good
* False faith in the state dooms the perm – never challenge structure
* Punishment model bad and recreates state violence – gives state power to act violently
* Make marginalized groups bow down to state

Jason Lydon, A Compilation of Critiques on Hate Crime Legislation, Against Equality: Prisons Will Not Protect You, 2012. NS

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”. 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 are inevitable in a society structured by institutional violence. They shift the focus onto legalistic solutions, which forecloses the possibility for strong communities to truly challenge state violence. **Lydon 12**

* state creates atmosphere for hate crimes by splitting people into identity categories
* tradeoff – state focus is palliative so we can’t focus on community movements which are more effective
* serial policy failure – never take into account perspective ppl in communities

Jason Lydon, A Compilation of Critiques on Hate Crime Legislation, Against Equality: Prisons Will Not Protect You, 2012. NS

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 legitamacy or paternalistic protection; let us use the time to build our communities and care for our selves.

Blackness is feared in the white unconscious – anti blackness is sustained by cultural representations of blackness. **Scott 14**

* reps first + they don’t get to weigh the plan – deconstructing the way they represent solutions for black people is a pre req to those solutions being effective
* Hidden afropess arg – white unconsciousness necessarily dooms black body

Scott 14 (Darieck, Prof of African Diaspora Studies @ Cal Berkeley 2k10; “Extravagant Abjection: Blackness, Power, and Sexuality in the African American Literary Imagination” pgs.)

The figure of the Negro, Fanon says, is “woven… out of a thousand details, anecdotes, stories.” Blackness is lived, but it is a representation. Even if, as we believe, all identities and subjectivities are falsities of this sort, imagos as hollow as old bones that language or father or the forces of economic production generate, blackness is a representation of rather recent historical vintage, unlike far older and presumably transcultural representations such as “woman.” The historical proximity of its provenance makes tangible to us, visible, the operation of sociogenesis by which all of our human world comes into being. If blackness functions as the dark distorted mirror of the (thus whitened) Western self, reflecting its fears and obsessions concerning the body, sexuality, and morality, then that blackness exists and that it is possible to historicize its mirrors for us the process by which the terms of self and socius have been constructed. In this way we can read blackness as a patchwork of narratives condensed on the skin of the blackened and referenced in the images ascribed to them, an articulation of meaning to image, the circulation of which occurs in the symbolic, a realm both collective (as all that we might call culture) and idiosyncratic (as what we deem the individual unconscious). What emerges most forcefully from Fanon’s ruminations in Black Skin, White Masks is the idea that blackness is an artifact of the symbolic, one of the clever deceptions of language as it attempts to give substance to the void that it is and as it vainly attempts to impose order on the riotously excessive world with which it is confronted. Like all language, then, blackness is code. And as with all language, this encoding can by its proliferating processes of abstraction and association virally replicate itself; it generates more encoded language-and thus more knowledge, more of a something which it codes-otherwise unavailable. Artistry that makes language its primary medium of creation explores and exploits language’s essential coding: it does so through metonymy. Such art generates “insight” (or, strictly speaking, a new or different idea) by combining, collapsing, conflating in some jarring or beautiful or shocking way things, ideas, memes, that were heretofore not in contiguity or not placed in contiguity in that way. Thus, language art-trope work-routinely conducts a thought-experiment in the manner we ascribe generically to speculative fiction, by creating seemingly impossible, or at least difficult to imagine, conjunctions: conjunctions not unlike those troublesome “contradictions” we find lurking in Fanon’s corpus, such as the paradoxes of the rigid black(ened) body that is both living and dead and both inert and in movement, the facticity of human freedom as its imprisonment, the decidedly nonlinear temporality that folds a past as future anterior under and over a future as past posterior.

## Ptx

Republicans hate expanding gun bans for hate crime committers. **Sullivan 15**

Andy Sullivan and James Oliphant, Republicans avoid talk of race, guns after Charleston shooting, 6/18/15, Reuters. NS

Republican presidential candidates steered clear on Thursday of addressing the role gun rights and racial tensions may have played in a deadly mass shooting in South Carolina as Democratic candidate Hillary Clinton called for the United States to face what she called the "hard truths" underpinning the tragedy. The responses to the attack in Charleston, in which a white man is suspected of killing nine black people at a historic church, showed the contrasting pressures facing White House hopefuls in each party as they prepare for primary contests. Clinton and other Democrats are appealing to a racially diverse voter base that has been frustrated by an inability to tighten gun laws after other mass shootings. Those voters are also increasingly vocal about heavy handed law-enforcement tactics in black communities following a series of police killings of unarmed African-American men. Republicans, meanwhile, have successfully loosened gun restrictions across the country in recent years while catering to core voters who are overwhelmingly white. Clinton cited past mass shootings as she called for the United States to confront the toll taken by racial prejudice and gun violence. "How many people do we need to see cut down before we act?" she said in Las Vegas. Several Republican candidates issued statements expressing condolences in the wake of the attack. But unlike Clinton and President Barack Obama, they did not call for action to reduce similar attacks. Few were willing to label the murders a hate crime, although police in Charleston said the attack was racially motivated. "There's a sickness in our country, there's something terribly wrong, but it isn't going to be fixed by your government," the libertarian-leaning Kentucky Senator Rand Paul told a group of religious conservatives in Washington. "It's people not understanding where salvation comes from." Speaking at the same event, Texas Senator Ted Cruz did not mention the race or possible motivation of the suspected shooter, 21-year-old Dylann Roof. The young man's Facebook profile showed him wearing a jacket emblazoned with flags of apartheid-era South Africa and of the former Rhodesia, now Zimbabwe, both formerly ruled by white minorities. "A sick and deranged person came and prayed with an historically black congregation for an hour and then murdered nine innocent souls,” Cruz said, without referring to the race of the shooter. Florida Senator Marco Rubio, a leading contender, did not mention the attack in his 20-minute speech. There is little incentive for the Republican Party to press deeply into the episode since the party's voters overwhelmingly favor expansive gun rights. Their opposition, backed by the powerful National Rifle Association, ensured Obama failed in his bid to expand background checks on gun buyers after a gunman killed 20 schoolchildren and 6 adults in Newtown, Connecticut in 2012. Obama acknowledged on Thursday that further efforts in Washington to tighten gun controls were likely to be futile, saying the "politics in this town foreclose" attempts to limit gun rights. Americans, too, are divided on the subject of gun control, with 48 percent supporting government restrictions and 41 percent saying they should not be regulated, according to a Reuters/Ipsos poll taken in April. Some 61 percent of Republicans oppose firearms regulation, while Democrats support it by an equal proportion. Beyond the gun issue, the voters who will choose the next Republican nominee are overwhelmingly white - in 2012, they made up 90 percent of voters in the Republican primary contests. That means there is little incentive -- and perhaps a real downside -- for conservatives to grapple head-on with racial tensions spurred by the Charleston shootings. Some comments by voters at the event attended by Paul, Cruz and others bore that out. “I'm tired of hearing that every time someone shoots someone from another race that it's racially motivated,” said John Cartree, 78, of Columbia, Mo.

Outweighs – the AFF is an ideological stance that ignores the real consequences for black people. **Bracey 06**

* failure to look at consequences causes policy failure – we never know if they’ll be effective
* external impact of real suffering outweighs an ideological stance – that’s ivory tower

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, reducing conversation on race matters to an ideological contest allows opponents to elide inquiry into whether the results of a particular preference policy are desirable. Policy positions masquerading as principled ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle. Thus, the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328" \l "n281" \t "_self) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities in health, wealth, and society. But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment.

## Case

### Queer Pess

Anti Queer violence is overkill – rational legal methods can’t solve. **Warren 13**

\*\*Warren is summarizing Stanley, he ultimately doesn’t think queer pess is equitable to afro pess

Calvin Warren, Onticide: Toward an Afro-pessimistic Queer Theory" Paper presented at the annual meeting of the American Studies Association Annual Meeting, 2013. NS

In “Near Life, Queer Death: Overkill and Ontological Capture,” Eric Stanley provides a perspicacious reading of this brutality as “over-kill.” This is a violence that exceeds the logic of utility—a violence whose “end” is simply to reproduce the panicked pleasure that constitutes it. Physical death, then, is not sufficient satiation; even after the biological functioning of the body ceases (e.g. the heart stops, brain incapacitated, breathing stops, etc.), the aggressor continues to mutilate the body, postmortem, as ending “biological life” is not the real aim of this sadistic drive. This “surplus violence” attempts an impossible existential objective—“to push [queers] backward out of time, out of History, and into that which comes before, ” according to Stanley. [16] Given the impossibility of the existential “ends” that sets this violence into motion, the brutality must continue past death, outside of “the normative times of life and death,” beyond utility and reason, and incessantly encircle the impossible object of its drive. Overkill, then, is the social materialization of the drive—it is surplus violence (and surplus pleasure) that is caught in the circuit of failure, and the disavowal of such a failure—where failure is registered as success—each additional stab, laceration, puncture, and dismemberment brings one “closer” to achieving the unachievable. Thus, this excessive violence is the symptom of an impossible existential aim. The problematic that Stanley brilliantly articulates invites us to consider the functionality of violence on the onto-existential horizon and the inadequacy of humanist instruments to address, and redress, these violations (e.g. “rights,” “equal protection,” “citizenship,” etc.). One simply cannot rely on “rational instruments” to resolve an irrational dilemma, especially when these very instruments depend on the destructive kernel of irrationality to sustain them. In other words, the horror of overkill is not so much the spectacular violence of mutilated flesh, but that any “solution” or “corrective” to this problem would also have to reside “outside of the normative times of life and death” and outside of reason itself. Overkill is the violence that sustains society, and without it, liberal democracy and its institutions would cease to exist. This, I believe, in the final analysis, is the conundrum that frustrated Frantz Fanon, and it is the lingering problem of humanism in society.

Queerness is the absence of capacity, the derelict object against which human relations are formed. The only hope is the alternative - a radical break from the current template of modernity. **Stanley 11**

Independent uniqueness warrants:

1. libidinal economy desires destruction of queer body
2. Social death through marking the queer body
3. Queerness is inherently non identity and thus can’t be included in legal identity categories. This is ontological
4. Queers are objects (fungibly mutilated, no time or place for subjectivity)

Eric Stanley, Near Life, Queer Death: Overkill and Ontological Capture, Social Text 107 Vol 29 No 2 Duke University Press, 2011. NS

“Dirty faggot!” Or simply, “Look, a Gay!” These words launch a bottle from a passing car window, the target my awaiting body. In other moments they articulate the sterilizing glares and violent fantasies that desire, and threaten to enact, my corporal undoing. Besieged, I feel in the fleshiness of the everyday like a kind of near life or a death-in-waiting. Catastrophically, this imminent threat constitutes for the queer that which is the sign of vitality itself. What then becomes of the possibility of queer life, if queerness is produced always and only through the negativity of forced death and at the threshold of obliteration? Or as Achille Mbembe has provocatively asked, in the making of a kind of corporality that is constituted in the social as empty of meaning beyond the anonymity of bone, “But what does it mean to do violence to what is nothing?” In another time and place, “‘Dirty nigger!’ Or simply, ‘Look, a Negro!’ ” (“Sale nègre! ou simplement: Tiens, un nègre!”) opened Frantz Fanon’s chapter 5 of Black Skin, White Masks, “The Lived Experience of the Black” (“L’expérience vécue du Noir”), infamously mistranslated as “The Fact of Blackness.”2 I start with “Dirty faggot!” against a logic of flattened substitution and toward a political commitment to non-mimetic friction. After all, the racialized phenomenology of blackness under colonization that Fanon illustrates may be productive to read against and with a continuum of antiqueer violence in the United States. The scopic and the work of the visual must figure with such a reading of race, gender, and sexuality. It is argued, and rightfully so, that the instability of queerness obscures it from the epidermalization that anchors (most) bodies of color in the fields of the visual. When thinking about the difference between anti-Semitism and racism, which for Fanon was a question of the visuality of oppression, he similarly suggests, “the Jew can be unknown in his Jew- ishness.”3 Here it may be useful to reread Fanon through an understand- ing of passing and the visual that reminds us that Jews can sometimes not be unknown in their Jewishness. Similarly I ask why antiqueer violence, more often than not, is correctly levied against queers. In other words, the productive discourse that wishes to suggest that queer bodies are no different might miss moments of signification where queer bodies do in fact signify differently. This is not to suggest that there is an always locatable, transhistorical queer body, but the fiercely flexible semiotics of queerness might help us build a way of knowing antiqueer violence that can provisionally withstand the weight of generality.4 Indeed, not all who might identify under the name queer experience the same relationship to violence. For sure, the overwhelming numbers of trans/queer people who are murdered in the United States are of color. Similarly, trans/gender nonconforming people, people living with HIV/ AIDS and/or other ability issues, undocumented and imprisoned trans/ queer people, sex workers, and working-class queers, among others, experience a disproportionate amount of structural violence. In turn, this structural violence more often than not predisposes them to a greater amount of interpersonal violence. Yet many lesbian, gay, bisexual, and transgender (LGBT) folks in the United States who have access to normative power may in their daily lives know very little about either structural or personal violence. The long history and magnified present of gay assimilation illustrates these varying degrees of possibility and power available to some at the expense of others. In contrast, I am marking queer as the horizon where identity crumbles and vitality is worked otherwise. To this end, queer might be a productive placeholder to name a nonidentity where force is made to live. This is not to suggest that the negativity of queer and methodologies of violence define the end of queer worlding or that the parameters of opposition are sedimented as such. On the contrary, the very fact that queers do endure is evidence, as Fred Moten has beautifully argued about the history of blackness in relation to slavery, that “objects can and do resist.”7 I start here, in reference to x text, because he continues to offer us among the most compelling analyses of structural abjection, (non) recognition, and psychic/corporal violence. “Look, a Negro!” violently freezes Fanon in a timeless place as a black object, overdetermined from without, as a signifier with no meaning of its own making. In a similar way, the “dirty faggot” of my opening places queerness in the anonymity of history and shocks it into the embodied practice of feeling queer in a particular place, body, and time. This meditation will attempt to understand how the queer approximates the cutting violence that marks the edges of subjectivity itself. Race and gender figure the contours of my thinking on the work of violence in the gathering up of queer remains. Here the force of violence that interests me is not introduced after the formation of something that might be called queer. I am using the term queer to precisely index the collision of difference and violence. In other words, queer is being summoned to labor as the moment when bodies, non-normative sexuality/genders, and force materialize the im/possibility of subjectivity. Against an identity that assumes a prior unity, queer disrupts this coherence and also might function as a collective of negativity, void of a subject but named as object, retroactively visible through the hope of a radical politics to come.

### Turns

Expanding hate crimes laws disproportionately targets marginalized groups and leads to increased police brutality and racism. **Lydon 12**

* incarcerating racists just leads to more racial violence in prison
* black ppl will be accused of anti white crimes more than whites for racism
* legitimizes reverse racism – can’t focus on institutional oppression (a2 perm)

Jason Lydon, A Compilation of Critiques on Hate Crime Legislation, Against Equality: Prisons Will Not Protect You, 2012. NS

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.

Outweighs – blacks are arrested more for hate crimes. **Dougherty 01**

Jon Dougherty, BLACKS ARRESTED MOREFOR 'HATE CRIMES', WND, 2001. NS

Although “hate-crime” legislation has been championed by minority groups in hopes it would discourage racially motivated crime, a recently released FBI crime report reveals that a higher percentage of blacks than whites are charged with race-biased “hate crimes.” The FBI’s “Hate Crime Statistics” for 1999 show that 2,030 whites were arrested that year for “hate crimes” against blacks, compared to 524 blacks who were arrested and charged with a “hate crime” against whites. According to the U.S. Census Bureau, blacks make up 12.8 percent of the population — or about 35.4 million of the country’s 280 million people — so, given the arrest rate versus population percentage, the data indicates that blacks are one-and-a-half times more likely to be arrested for a “hate crime” than whites. The Census Bureau’s November 2000 statistics listed the nation’s white population at 226.8 million, or 82.2 percent of the total. “In light of this study, it’s fair to ask who poses a greater threat to the black community — racist, violent whites or oblivious black politicians?” said Steve Dasbach, the national director for the Libertarian Party. “Unfortunately, hate crime laws have boomeranged on blacks,” Dasbach said in a recent statement. “African-Americans thought that hate crime legislation would protect them, but instead they’re being used as another legal weapon to prosecute them.”

Hate crime laws cause divisions impeding social solidarity needed to challenge oppression. **Jacobs 98**

James Jacobs, Hate Crimes, Criminal Law, and Identity Politics, Oxford U Press, 1998. NS

The proponents of bias crime laws believe that their symbolic impact will be to teach Americans that prejudice is wrong and, in the long run, lead to less prejudice and less prejudice-motivated crime. We have argued in this chapter that this belief may be misguided. Breaking down generic criminal law into new crimes and punishment hierarchies depending on the prejudices of offenders and the demographic identities of victims may exacerbate rather than ameliorate social schisms and conflicts. Crime ought to be a social problem that brings together and unites all Americans. All law-abiding citizens oppose criminality and sympathize with crime victims. By condemning and punishing criminals, Americans ought to be affirming the values and norms that they share. However, bias crime laws and their enforcement redefine crime as one more arena for intergroup conflict. The hate crime laws and their enforcement have the potential to undermine social solidarity by redefining crime as a subcategory of the intergroup struggles between races, ethnic groups, religious groups, genders, and people of different sexual orientations. With the emergence of hate crime law, jurisprudence, and politics, we are no longer dealing with crime and garden variety criminals, but with racists and sexists and a society irrevocably divided among victims' groups. The politics involved in passing hate crime laws reinforces identity politics; so too does the collection and reporting of hate crime statistics, which are invariably cited to support the proposition that each group's victimization at the hands of other groups is worsening. Finally, the process of labeling intergroup crimes as bias-motivated or not generates constant, low-level, intergroup strife.

No solvency – hate criminals commit crimes regardless. **Jacobs 98**

James Jacobs, Hate Crimes, Criminal Law, and Identity Politics, Oxford U Press, 1998. NS

IT HARDLY NEEDS SAYING that we share with the proponents of hate crime laws the goal of a tolerant society, in which people are judged by "the content of their character," not by their race, religion, sexual orientation, or gender.1 We differ over the means for achieving that goal. The proponents believe that the message-sending potential and the deterrent power of criminal law will deter or persuade criminals and would- be criminals to desist from hate crimes and perhaps to hold fewer and less virulent prejudices. We find this implausible. The conduct which hate crime laws aim at is already criminal. Given that criminals ignore existing criminal laws and punishment threats, we doubt that the additional threat promised by hate crime laws adds much, if any, marginal deterrence; this is especially true for the most serious offenses. In any event, a highly bigoted offender can probably avoid the hate crime tariff by committing his crime silently. It is possible that the mere promulgation of hate crime laws will contribute to long-term social education and the production of fewer hate criminals, but this too seems implausible given the web of laws already on the books, and the plethora of "messages" and symbols that already denounce bigotry. The occasional hate crime trial or sentence enhancement might reinforce the sociopolitical message of tolerance, but only assuming that the trial is successful, and is widely interpreted as fair and not politically motivated.