

STATEMENT OF

Gregory M. Herek, Ph.D.

Assistant Professor

Graduate Program in Psychology

City University of New York

on behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the

UNITED STATES HOUSE OF REPRESENTATIVES

Committee on the Judiciary

Subcommittee on Criminal Justice

on the subject of

VIOLENCE AGAINST LESBIANS AND GAY MEN

October 9, 1986

The Honorable John Conyers, Chair

Mr. Chairman, members of the Subcommittee, I am Dr. Gregory M. Herek, Assistant Professor of Psychology in the Graduate School of the City University of New York. I have conducted extensive empirical research on the social psychological bases of hostility toward lesbians and gay men, and I am also a member of the American Psychological Association's (APA) Committee on Lesbian and Gay Concerns. I am pleased to testify today on behalf of the APA's 87,000 members on the subject of violence against lesbians and gay men.

Since 1974, the APA has been strongly committed to removing the stigma that has long been associated with homosexual orientations in our society, and to eradicating discrimination against lesbians and gay men. Our view is that, aside from the gender of their life partners, lesbians and gay men are not fundamentally different from heterosexual women and men. They are as capable as heterosexuals of leading normal, well-adjusted, happy lives. The most significant difference between homosexual and heterosexual persons is that lesbians and gay men continue to be the targets of hostility, discrimination, persecution, and violence solely because of their sexual orientation.

While the topic of homosexuality often generates considerable controversy in our society, we feel that the topic of violence against lesbians and gay men should not be controversial. As citizens of this country and human beings, lesbians and gay men deserve all of the rights and privileges enjoyed by heterosexual Americans. No one in our country has the right to brutalize another human being or group of human beings,

to assault them, to cause them injury. When we become aware of such violence, it is our duty as responsible citizens to do what we can to prevent it and to minimize its effects. In my testimony today, I will offer the views of the American Psychological Association on how we can best achieve this goal.

#### Empirical Research on Violence Against Lesbians and Gay Men

The available data on violence against lesbians and gay men come primarily from two sources. The first source is surveys conducted by community and state organizations concerned with preventing such violence; the National Gay and Lesbian Task Force has done an admirable job of collecting many of these reports and summarizing their results. The second source of data is scholarly investigations by criminologists and other social scientists, which have been published in academic journals. Using data from both sources, we can form a preliminary impression of anti-gay violence.

First, the violence is surprisingly common across the United States. Statewide surveys in New Jersey, New York, Maine, and Wisconsin, and community surveys in Philadelphia, Atlanta, Dallas, St. Louis, Los Angeles, Denver, and other cities all indicate that a significant minority of lesbian and gay respondents have been punched, kicked, or beaten because of their sexual orientation; the proportions range from 15% to 25%. It also appears that violence takes different forms with men and women; gay men may be the targets of physical assault more

frequently, while lesbians may more often be the target of sexual harassment and assault. Most attacks seem to be perpetrated by young males in groups. The assailants usually do not know their victims personally; they are often armed, very frequently with knives. Attacks against gay people often are characterized by an intense rage on the part of the attackers; thus they tend to be more violent than other physical assaults. Commenting on this phenomenon, sociologists Brian Miller and Laud Humphreys observed, "Seldom is a homosexual [murder] victim simply shot. He is more apt to be stabbed a dozen times, mutilated, and strangled" (Qualitative Sociology, 1980, v3 (#3), p.179). The frequency of attacks seems to have increased during the last few years, apparently fueled by public reaction to Acquired Immune Deficiency Syndrome (AIDS). Many attacks since the beginning of the AIDS epidemic have included spoken references to AIDS by the attackers, usually accusing the victim of spreading AIDS to others. AIDS may thus be providing a convenient excuse for violent expressions of hostility against gay people.

My statements about research findings have necessarily been phrased in very tentative terms. Because funds for research in this area have been minimal, past studies have been on a relatively small scale and so have been inconclusive. They have not been able to use systematic sampling techniques; consequently, we do not know whether their findings under-estimate or over-estimate the scope of the problem. Sometimes different investigators have asked different questions of their respondents with the consequence that results cannot

always be compared across studies.

If our knowledge about actual attacks on lesbians and gay men is sparse, our data on the aftermath of violence--the problems faced by lesbian and gay survivors of assaults--is even more sketchy. Clearly they must cope with medical, legal, and police personnel who often themselves hold many prejudices against gay people. In this sense, survivors of anti-gay violence can find themselves in a situation comparable to that of women who have been raped. They are likely to be blamed by others for their assault, accused of inviting the attack or deserving it. Because most people are psychologically vulnerable after an assault, such responses from others can significantly lower self-esteem and evoke strong feelings of guilt, shame, or depression in the lesbian or gay survivor. Another frequent consequence of assault is unique to lesbians and gay men: If the attack happens to be reported in the local news media, the survivor's sexual orientation may become public knowledge and she or he may experience subsequent harassment or discrimination from a variety of sources. Lesbians and gay men in most jurisdictions today can legally be fired from their jobs, evicted from their homes, and denied services simply because they are gay. Anticipating all of these negative consequences, many lesbians and gay men probably never report their assaults to law enforcement officials; community violence surveys suggest that as many as 80% of attacks go unreported.

As I mentioned earlier, the paucity of empirical data requires that we be extremely cautious in drawing conclusions about the frequency of anti-gay violence, its forms, or its consequences. One inescapable conclusion, however, is that violence against gay people is a serious national problem, sufficiently widespread to warrant close scrutiny and government intervention. But until more extensive and systematic empirical research has been conducted with national samples, we will be in the frustrating position of not knowing the full scope of the problem nor how best to solve it.

#### Social Psychological Bases of Anti-Gay Violence

Why does anti-gay violence occur? To answer this question requires understanding that violence against lesbians and gay men is only one manifestation of a larger problem: that of prejudice, discrimination, and hostility directed against the estimated 20 million homosexual persons in American society. The term homophobia has come to be used to describe this phenomenon. While scientific research on homophobia is at an early stage, my own empirical work and that of other social scientists suggests numerous social and psychological sources for the prejudice.

Most heterosexuals who are homophobic have not developed their attitudes on the basis of interacting with gay people. National public opinion polls show that only 25-30% of Americans know an openly gay man or lesbian woman, and the majority of them have formed positive feelings as a result of those contacts.

Instead, most Americans' hostility, fear, and ignorance reflect our society's institutional homophobia--the anti-gay ideologies prevalent in our government, our schools, our churches, and our mass media. These societal institutions effectively create a cultural climate in which individual expressions of homophobia are tolerated or even encouraged.

Unfortunately, actions by the Federal government have contributed significantly to this climate of prejudice, most recently in connection with AIDS and with state sodomy laws. Earlier I mentioned that fear of AIDS has become linked to anti-gay violence. A growing body of scientific data, including my own empirical research, shows that individuals' irrational fears surrounding AIDS (i.e., fears that medical research has shown to be unwarranted, such as fear of transmission through casual contact) are highly correlated with their level of homophobia. I interpret this finding to mean that reducing AIDS hysteria requires confronting its roots in homophobia, and that eliminating homophobia will require education about AIDS. Unfortunately, the United States Justice Department has fueled fears about AIDS (thereby probably contributing to public homophobia) by sanctioning discrimination based on fears of AIDS-contagion. This ruling condones persecution of people who are perceived as having AIDS; gay people are the most likely targets for such persecution.

The cultural climate of homophobia was intensified when the Supreme Court recently ruled that states can legally prohibit sexual intimacy between persons of the same sex in the privacy of their own homes. Lesbians and gay men, in other words, can be declared criminals simply for sexually expressing love for their partners. It is not difficult to see how such a ruling can be interpreted as legitimating hostility toward gay people.

Within this cultural climate of prejudice, homophobic violence and even murder are condoned through public indifference, blaming of the victim rather than the perpetrator, lack of serious attention by police and prosecutors, and minimal sentencing if offenders are convicted. One of the most dramatic recent examples was that of Dan White, who was convicted of killing San Francisco's openly gay Supervisor, Harvey Milk, by shooting him repeatedly in the head. For his crime, White received only a seven-year jail sentence.

Homophobia appears to be particularly acute among adolescents and young adults. There are many possible explanations for this pattern, including the need for adolescents to establish a sense of adult identity, which includes sexual and gender issues. For some, such an identity is elusive and they try to affirm who they are by physically attacking a symbol of what they are not or don't want to be. Young adults also have particularly strong needs for acceptance by peers; attacking an outsider (such as a gay man or lesbian) can be a way of proving one's loyalty to the in-group. Adolescent perpetrators of homophobic violence are typically tried as juveniles and



consequently receive light sentences, if they are sentenced at all. For example, four young males who freely admitted that they beat a Tucson man to death because he was gay were not punished; the judge dismissed the charges against the four, calling them "model athletes." Four teenage boys who drowned a gay man in Bangor, Maine, have been or will be released from jail on their 21st birthdays. The effect of such minimal responses by the state is to give tacit permission for attacking gay people.

In order to reduce violence against gay people, we must attack the underlying homophobia expressed through the violence. Thus, any intervention strategies must include public education concerning gay men and lesbians. Stereotypes and misconceptions about homosexual persons must be eliminated from our culture. Such education is particularly important in middle and secondary schools, where information about gay people should be coupled with inculcation of traditional American values concerning respect for individual rights and recognition of the basic humanity and worth of all members of society.

An important strategy for educational programs is to permit heterosexual persons an opportunity to interact freely with their gay and lesbian friends, family members, neighbors, and coworkers. This sort of personal contact appears to be the most effective remedy for homophobia. It requires, however, a social climate in which gay people can comfortably disclose their sexual orientation without fears of reprisal. This cannot occur while discrimination based on sexual orientation remains legal. Until protective legislation is enacted, the majority of lesbians and

gay men are likely to hide their orientation, and so the elimination of homophobia and its consequent violence will be delayed.

### Recommendations

Based upon these observations, the APA makes the following recommendations concerning violence against lesbians and gay men.

1. Funding for Research. The Federal government should develop a body of knowledge on homophobic violence by providing adequate funding for scientific research through agencies such as the National Institute of Justice and the National Institute of Mental Health. This research should describe both the violence and its consequences.
  - a) The scope of homophobic violence should be documented at the national level, along with the proportion of lesbian and gay men nationally who have been the targets of violence. The characteristics of perpetrators, the forms taken by the violence, the conditions under which violence most often occurs, and regional variations in violence should also be documented.
  - b) Survivors' problems should be documented, including those they encounter while obtaining emergency medical care, and interacting with law enforcement and court officials, and the psychological stresses they experience after the attack.

2. Implementation of Research Findings. Once data are available, effective intervention strategies should be developed and evaluated. These should include the following:
  - a) programs for directly reducing violence, including collaborations between police and community groups to monitor neighborhoods;
  - b) programs for reducing the homophobia that underlies the violence among the general public and especially in schools.
  - c) programs for providing adequate medical, social, and legal services to survivors of violence.
3. Legislation directly addressing homophobic violence. The Congress should enact legislation that identifies homophobic violence as repugnant and unequivocally unacceptable. The areas that should be addressed by such legislation include the following:
  - a) establishing criminal penalties specifically for homophobic violence;
  - b) authorizing the victims of such violence, or their survivors, to file civil suits against their assailants.

Legislators should also address the problem that many perpetrators of anti-gay violence are juveniles, and consequently face minimal punishment or rehabilitation.

4. Legislation addressing the institutional antecedents of violence. The Congress should take action to change the current cultural climate, which fosters homophobia in general and anti-gay violence in particular. There are at least three steps that should be taken with all possible speed.
- a) Congress should protect the civil rights of persons with AIDS and persons perceived as having AIDS by explicitly including them in existing legislation that safeguards the rights of disabled Americans.
  - b) Congress should protect all Americans from state regulation of their private, consenting sexual conduct.
  - c) Congress should protect all Americans from discrimination in employment, housing, and services based on sexual orientation.

Federal legislation in these areas will not in itself eliminate homophobia or anti-gay violence any more than laws against racial discrimination have eliminated racism. But such laws can help to create a climate of openness in which lesbians and gay men can cooperate with the criminal justice system to confront the problem of homophobic violence, and in which American society can confront its own homophobia.

Such hearings and research might lead to concrete proposals which could lead to legislative action, which could lead to interventions for enhanced programming, services and an improved response, overall response from the Federal Government to the epidemic of antigay and antilesbian violence that we are facing today.

Thank you very much.

Mr. CONYERS. Thank you very much.

Now we have, on behalf of the American Psychological Association, Dr. Gregory Herek.

Welcome.

Mr. HEREK. Thank you, Mr. Chairman, Mr. Frank.

I am Dr. Gregory M. Herek, assistant professor of psychology at the Graduate Center of the City University of New York. I have conducted extensive empirical research on the social psychological bases of hostility toward lesbians and gay men, and I am also a member of the American Psychological Association's [APA] Committee on Lesbian and Gay Concerns. I am pleased to testify today on behalf of the APA's 87,000 members on the subject of violence against lesbians and gay men.

Since 1974, the APA has been strongly committed to removing the stigma that has long been associated with homosexual orientations in our society, and to eradicating discrimination against lesbians and gay men. Our view is that, aside from the gender of their life partners, lesbians and gay men are not fundamentally different from heterosexual women and men. They are as capable as heterosexuals of leading normal, well-adjusted, happy lives.

The most significant difference between homosexual and heterosexual persons is that lesbians and gay men continue to be the targets of hostility, discrimination, persecution, and violence, solely because of their sexual orientation.

There is not a great deal of empirical data on violence against lesbians and gay men. But enough information has been collected by community organizations and by social scientists to permit some general observations.

First, the violence is surprisingly common across the United States. Statewide and community surveys from all parts of the country indicate that a significant minority of lesbian and gay respondents—between 15 and 25 percent—have been punched, kicked, or beaten because of their sexual orientation. Most attacks seem to be perpetrated by groups of young males, often armed, who do not know their victims personally.

Attacks against gay people often are characterized by an intense rage on the part of the attackers, and so they tend to be more violent than other physical assaults. The frequency of attacks seems to have increased during the last few years, with many attacks now including spoken references to AIDS by the attackers, usually accusing the victim of spreading AIDS to others. AIDS may thus be providing a convenient excuse for violent expressions of hostility against gay people.

Turning to the aftermath of violence, lesbian and gay survivors are likely to be blamed by others for their assault, and accused of inviting the attack or deserving it. Such responses can significantly lower self-esteem and evoke strong feelings of guilt, shame, or depression in the lesbian or gay survivor. When their sexual orienta-

tion becomes public knowledge as a result of an attack, lesbian and gay survivors may subsequently be fired from their jobs, evicted from their homes, and denied services simply because they are gay.

This sort of discrimination is currently legal in most jurisdictions. Anticipating all of these negative consequences, most lesbians and gay men probably never report their assaults to law enforcement officials. Community violence surveys suggest that as many as 80 percent of attacks go unreported.

My statements about research findings must be phrased in very tentative terms. Because funding for research in this area has been practically nonexistent, past studies have been on a small scale and have not been able to use systematic sampling techniques. Consequently, we do not know whether their findings underestimate or overestimate the scope of the problem. Thus, we must be extremely cautious in drawing conclusions about the frequency of antigay violence, its forms, or its consequences.

One inescapable conclusion, however, is that violence against gay people is a serious national problem, sufficiently widespread to warrant close scrutiny and government intervention. But until more extensive and systematic empirical research has been conducted with national samples, we will be in the frustrating position of not knowing the full scope of the problem nor how best to solve it.

Violence is only one manifestation of the larger problem of prejudice and hostility directed toward the estimated 20 million homosexual persons in American society. The term "homophobia" has come to be used to describe this phenomenon. The hostility, fear, and ignorance of most Americans reflect our society's institutional homophobia—the antigay ideologies prevalent in our Government, our schools, our churches, and our mass media. These societal institutions effectively create a cultural climate in which individual expressions of homophobia, including violence, are tolerated or even encouraged.

Unfortunately, actions by the Federal Government have contributed significantly to this climate of prejudice, most recently in connection with AIDS and with State sodomy laws. Earlier, I mentioned that fear of AIDS has become linked to antigay violence. A growing body of scientific data, including my own empirical research, shows that individuals' irrational fears surrounding AIDS—such as fear of transmission through casual contact—are highly correlated with their level of homophobia.

I interpret this finding to mean that reducing AIDS hysteria requires confronting its roots in homophobia, and that eliminating homophobia will require education about AIDS. Unfortunately, the U.S. Justice Department has sanctioned discrimination based on fears of AIDS-contagion, and has thereby fueled fears about AIDS and probably contributed to public homophobia.

The cultural climate of homophobia was intensified when the Supreme Court recently ruled that States can legally prohibit sexual intimacy-between persons of the same sex in the privacy of their own homes. Lesbians and gay men, in other words, can be declared criminals simply for sexually expressing love for their partners. It is not difficult to see how such a ruling can be interpreted as legitimating hostility toward gay people.

Within this cultural climate of prejudice, homophobic violence and even murder are condoned through public indifference, blaming of the victim rather than the perpetrator, lack of serious attention by police and prosecutors, and minimal sentencing if offenders are convicted. This pattern is clearest when the perpetrators of homophobic violence are adolescents, which is often the case. They are typically tried as juveniles and consequently receive light sentences, if they are sentenced at all. The effect of such minimal responses by the State is to give tacit permission for attacking gay people.

In order to reduce the violence, we must attack the homophobia that underlies it. Thus, any intervention strategies must include public education concerning gay men and lesbians. Given the frequency of homophobic violence among adolescents, such education is particularly important in middle and secondary schools.

An important component of educational programs must be permitting heterosexual persons an opportunity to interact freely with their gay and lesbian friends, family members, and coworkers. This sort of personal contact appears to be the most effective remedy for homophobia. But it cannot occur while discrimination based on sexual orientation remains legal.

Until protective legislation is enacted, most lesbians and gay men will try to avoid harassment by hiding their orientation, and so the elimination of homophobia and its consequent violence will be delayed.

Based upon these observations, the APA makes the following recommendations concerning violence against lesbians and gay men:

No. 1, the Federal Government should encourage development of a body of knowledge on homophobic violence by providing adequate funding for scientific research through agencies such as the National Institute of Justice and the National Institute of Mental Health. This research should describe the scope of the violence, the forms it takes, and its consequences for survivors.

No. 2, once data are available, effective intervention strategies should be developed and evaluated. These should include: First, programs for directly reducing violence, including collaborations between police and community groups to monitor neighborhoods; second, programs for reducing the homophobia that underlies the violence among the general public and especially in schools; and third, programs for providing adequate medical, social, and legal services to survivors of violence.

No. 3, the Congress should enact legislation that clearly identifies homophobic violence as repugnant and unequivocally unacceptable. Such legislation should: First, establish criminal penalties specifically for homophobic violence; and second, authorize the victims of such violence, or their survivors, to file civil suits against their assailants. Legislators should also address the problem that many perpetrators of antigay violence are juveniles, and consequently face minimal punishment or rehabilitation.

No. 4, finally, the Congress should take action to change the current cultural climate, which fosters homophobia in general, and antigay violence in particular. At least three steps should be taken with all possible speed: One, Congress should protect the civil rights of persons with AIDS and persons perceived as having AIDS

by explicitly including them in existing legislation that safeguards the rights of disabled Americans; two, Congress should protect all Americans from State regulation of their private, consenting sexual conduct; three, Congress should protect all Americans from discrimination in employment, housing, and services based on sexual orientation.

Federal legislation in these areas will not in itself eliminate homophobia or antigay violence any more than laws against racial discrimination have eliminated racism. But such laws can help to create a climate of openness in which lesbians and gay men can cooperate with the criminal justice system to confront the problem of homophobic violence, and in which American society can confront its own homophobia.

Thank you.

Mr. CONYERS. Well, we appreciate that. And I know it has been a struggle within the American Psychological Association to reach this point. There was a day in time when that wasn't the prevailing medical view even.

This has been a good panel.

I want to acknowledge the presence of our subcommittee member, Mr. Bryant from Texas, whom we welcome to these proceedings.

Mr. BRYANT. Thank you, Mr. Chairman.

Mr. CONYERS. I have several questions, and I will address the panel.

Mr. Berrill mentioned a particular Federal agency that was not only neutral to assisting gays but was hostile. I would like to have that agency identified.

We have a number of recommendations about what the Congress should do. We have before us, of course, H.R. 230, introduced by Mr. Weiss in the beginning of last year. We can also amend 18 U.S.C. 241, and we could pass a sense of Congress resolution indicating our antipathy toward homophobic violence. And I would like to see what your feelings are about those and find out if anybody has attempted to contact Attorney General Meese, or anyone else, to see what they are willing to do about their role in reducing this kind of violence and this kind of terrorism.

We all know that there is no Federal antisodomy law, but I would like to find out if there are any contacts made with the Governor of Georgia, the Senators, the Congressmen—one of whom is a distinguished member of this subcommittee—or other government officials in an attempt to deal with the antisodomy law there.

I would like to find out if there are any suggestions about how we can educate the American people about the AIDS hysteria that increases the violence and antipathy toward gays. And I would also like to find out about what the results are, in terms of police work and criminal justice prosecution and the 15 murders that have occurred in the New York area, with reference to antigay violence.

Finally, I observe that antigay violence is a crime, because violence is a crime in America.

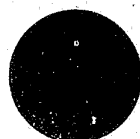
Anyone can begin to address any of those questions, if you choose.

Mr. BERRILL. Mr. Chairman, I would like to begin by addressing your question about our interactions with Federal agencies, notably



# ANTI-GAY VIOLENCE

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## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

ON

ANTI-GAY VIOLENCE

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OCTOBER 9, 1986

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Serial No. 132



Printed for the use of the Committee on the Judiciary

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U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1987

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For sale by the Superintendent of Documents, Congressional Sales Office  
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