

Homeless

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crime caught on video by Florida Atlantic University's surveillance cameras, a homeless rights advocate stated: "We had been the lonely advocate on this issue until the beating in Fort Lauderdale."

National Coalition for the Homeless Executive Director Michael Stoops further stated, "That became our Rodney King video, which raised awareness and sparked media attention and legislation being introduced."

While most of the White youths who attack homeless people are not affiliated with hate groups, there are notable exceptions. In April 1992, long before NCH began tracking violence against the homeless, several members of the Aryan National Front, a hardcore racist skinhead gang, beat and kicked an African-American man to death beneath a bridge in Birmingham, Ala.

"It's just another dead, homeless Black man," the gang's leader, Bill Riccio, said afterward in defense of his followers.

Racist skinheads beating to death a randomly selected Black homeless man is easy to define and recognize as a hate crime. But should the same rules apply when White skinheads kill a White transient for being an "inferior Aryan"? And what about White youths who aren't skinheads randomly attacking a White homeless man simply because he's easy prey? Is that a hate crime?

These are questions even homeless advocates struggle to answer.

"I don't know if it's based on hate as we traditionally think of the hate crime. I think it's more a dehumanization factor that plays an important role," said Sean Cononie, whose Helping People in America organization in Hollywood, Fla., is acknowledged in the NCH report as "the most active local organization nationwide doing work on the hate crimes/violence issue."

The federal Hate Crimes Sentencing Enhancement Act protects people on the basis of race, color, national origin, ethnicity, gender, disability and sexual orientation. NCH and other advocates for the homeless are pressing the federal government to add housing status to that list.

But extending hate crime protection to the homeless is controversial, and opposition is growing. The California

Association of Human Relations Organizations, an association of human rights groups, has come out against designating random attacks on the homeless as hate crimes.

And Republican lawmakers in Florida last year voted down a homeless hate crimes bill that was named after Norris Gaynor, the victim in the Fort Lauderdale baseball bat murder.

"People don't beat each other up because they love each other," said Florida Republican state Sen. Mike Bennett told *The Miami Herald*, echoing an argument commonly made against all hate crimes legislation.

Similarly, this March, after the Maryland Senate approved a bill to add homelessness as a protected category under that state's hate crime laws, the *Baltimore Examiner* published an editorial titled, "Hate Crime Legislation Won't Help Homeless."

It read, in part: "Religious groups and minorities, including those designated so by their sexual orientation, are also covered under the legislation — in other words, almost everyone. Isn't all crime hateful?"

Republican state Sen. E.J. Pipkin from Maryland said he voted against the bill because it was "undermining the original intent of the hate crimes law."

Supporters of the proposed homeless bill in the Florida legislature point out that existing state law there already provides penalty enhancements for acts of violence committed against a wide array of victims based on their status — police officers, firefighters, emergency medical personnel, bus drivers, prison staffers, and even sports referees, teachers and code inspectors — but not the homeless.

But while Florida law increases penalties for criminal attacks on ambulance drivers and Little League umpires, it doesn't classify those attacks as hate crimes. And no one's arguing it should. So why are the homeless different?

Prejudicial Targeting

Brian Levin, director of the Center for the Study of Hate and Extremism at California State University, San Bernardino, points out that for a crime to legally qualify as a hate crime in most states and on the federal level, the identifying factor of the victim, such as race or gender or religion, does not have to be the only reason they were

targeted — just a substantial one.

"These attacks [on the homeless] are hate crimes because you have an identity characteristic being a significant motivating factor in the prejudicial selection of a target," says Levin, who has testified before several state legislatures on behalf of extending hate crime protection to the homeless.

To support his argument, Levin points to the FBI's data on hate crime homicides between 1999 and 2005. According to the FBI, 82 murder victims during that period were targeted substantially

"But there are reasons why people fall into homelessness, such as drug addiction and unemployment. It's a status. The other categories covered by the hate crime bill [race, ethnicity and sexual orientation] are categories that we don't choose," Tomas said.

Harold Washington, the homeless man in St. Petersburg who was attacked outside by the White gangs, admits that he's homeless by choice. "I really don't have to be homeless because my family got money. I wanted to really find out what low-life is," Washington said he



Sentinel-Voice photo by Ramon Savoy

Homeless in many cities turn sidewalks into encampments.

because of their race, religion, sexual orientation or ethnicity. During that same period, 167 homeless people were murdered, not counting so-called "homeless-on-homeless" killings.

"The homeless are at an astronomical risk of attack compared to other people," said Levin.

But there is significant opposition to that view, and not only from people and groups who oppose all hate crime penalty enhancement laws on principle. Some critics of offering homeless people hate crime protection argue that homeless people are at increased risk of street violence primarily because they live on the streets, and that being homeless is often a lifestyle choice, not an immutable characteristic like race.

"People aren't born into homelessness," said Robin Tomas, president of the California Association of Human Relations Organizations.

wanted to deal with the homeless "to see what they was all about." But Levin and other supporters of extending hate crime protection to the homeless point out that religion is also a choice, yet religion is protected by hate crime laws.

"The notion that something is temporary and not necessarily something society would want to have around doesn't mean it is not worthy of protection," said Levin. "Most hate crimes are not committed by hardcore hate-mongers. These attacks [on the homeless], like other hate crimes, involve individuals with latent and not necessarily deep prejudices, but are relying on negative stereotypes that help identify where their aggression should be directed."

The Un-Welcome Mat

"When a city passes laws targeting and singling out homeless people, it sends messages that the homeless are just low-lives that need to

be driven out of the cities," said Stoops.

Take Phoenix, Ariz., where there is no greater hater of the homeless than the desert sun. In the summer of 2005, 32 homeless people died on streets hot enough to fry eggs. During the summer of 2006, four homeless men died of heat exposure in one weekend.

Advocates for the homeless argue that the fact that homeless people die from heat exhaustion in the shadows of air-conditioned office buildings and shopping plazas with no resulting public outcry sends the same message as widely publicized police rousts and harsh anti-panhandling ordinances: that homeless people are worthless, which makes them fair game.

"When you have city ordinances that say people who are homeless are criminals, then the malcontent elements of society feel they have the license to attack them," said Eric Rubin, a St. Petersburg homeless advocate. "Anytime you stigmatize a group of people, then those on the fringe feel they deserve that license to attack."

According to Stoops, who monitors anti-homeless laws across the country, Florida historically is "one of the worst states for criminalizing homelessness." He points out an Orlando ordinance that limits feeding homeless people in public places. On April 4, undercover cops were sent to Orlando's Lake Eola Park, to arrest Eric Montanez for feeding 30 homeless people — five more than the city's 25-person limit.

Similar anti-feeding ordinances were recently passed in Dallas and Wilmington, N.C., as well as in the City of Las Vegas.

"You can feed pigeons, dogs and squirrels, but God forbid you try to feed the homeless," Stoops said.

"Some attackers have the impression that they are carrying out a social good while having fun," said Levin. "The victimization rates are so significant that we have to make a specific statement to deter the conduct — not just because people think the homeless are worthless, but also because law enforcement will think they are

worthless and not put attackers under any punishment."

Gerald Murphy, a homeless man in a Hollywood, Fla., shelter, told the *Intelligence Report*, a publication of the Southern Poverty Law Center, that when he was jumped and robbed by four Black men, the police he told about it didn't bother filling out a report.

"They got nothing else better to do than mess with a homeless person," said Murphy bitterly. "I been arrested for stupid stuff, like open container." During a March 16 visit to Fort Lauderdale, many homeless people interviewed by the *Intelligence Report* said they'd recently been arrested for violating the city's open container law. Yet, that same weekend, hundreds of St. Patrick's Day revelers walked the streets of downtown Ft. Lauderdale carrying open beer bottles and plastic cups filled with cocktails in plain view of police officers.

Edward Overman, the chief of police in Deland, Fla., a small town near Daytona Beach, said that he resists pressure from business and homeowners who often pressure him to crack down on the homeless.

"They want us to arrest them for just sitting on a bench," Overman said. "I say, 'If I start knocking them off the bench, then we might as well take the benches away and not let civilians sit there either.'"

Sean Cononie, who runs Helping People in America in Hollywood (Fla.), said that young people need to hear from public officials more often that "being homeless is not against the law" because they're hearing too much of the opposite.

Cononie said that one city mayor commented, "I don't want a homeless shelter in my city because it's going to ruin our city, lower real estate values, cause bums to hang around, and it's gonna get our kids molested."

He further warns, "Kids are reading these quotes in the paper and they see the news conferences. It sends them the message that it's all right to attack them — they're only homeless."

Brentin Mock writes for *Southern Poverty Law Center's Intelligence Report*.

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