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Christina Iturralde  
*LatinoJustice PRLDEF*

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# RHETORIC AND VIOLENCE: UNDERSTANDING INCIDENTS OF HATE AGAINST LATINOS

Christina Iturralde\*

## I. INTRODUCTION

Sadly, the issue of violence against Latinos is not new.<sup>1</sup> Yet it is an issue that has been documented both in news articles and national reports with increasing frequency over the past few years. For example, a recent report by the Southern Poverty Law Center offers a “representative sampling of some of the more egregious examples of physical and psychological violence waged against Latinos” from 2004–2007.<sup>2</sup> Xenophobia aimed at incoming immigrant groups is also not an issue unique to this time. Many scholars have attempted to capture the history of attitudes toward incoming populations to the United States, including views toward Latino immigrants.<sup>3</sup>

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\* Christina Iturralde is a Legal Fellow at LatinoJustice PRLDEF. LatinoJustice PRLDEF has advocated for an investigation by the Department of Justice into the series of hate crimes and incidents in Suffolk County, New York. It has also filed a petition with the Inter-American Commission on Human Rights denouncing the increasing incidents of violence against Latinos across the country. For more information about LatinoJustice PRLDEF’s ongoing efforts, please visit [www.latinjustice.org](http://www.latinjustice.org).

<sup>1</sup> See, e.g., Tanya Kateri Hernandez, Note, *Bias Crimes: Unconscious Racism in the Prosecution of “Racially Motivated Violence,”* 99 YALE L.J. 845 (1990). “After being attacked by a gang of whites and in turn being blamed by police investigators, Rafael Gonzalez attempted to commit suicide because of his fear of walking the streets where his attackers continued to walk freely and he was blamed for his own victimization . . . . Rafael did not want to live in a world where his pain was not recognized.” *Id.* at 845 (citing PRLDEF, Testimony Presented to the Committee on International Intergroup Relations and Special Events of the New York City Council 2–3 (Oct. 21, 1987)). See also *Blood on the Border*, INTELLIGENCE REPORT (S. Poverty Law Ctr., Montgomery, Ala.), Spring 2001, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=230>. In a historical context, there have been other chapters in the nation’s history in which Latinos were targets of attack, much like today. “It is an often-neglected part of U.S. history and the Mexican/Chicano civil rights struggle that following the Manifest Destiny-inspired 1848 Treaty of Guadalupe-Hidalgo, in which Mexico lost over half of its territory to the U.S., the violence against and lynching of Mexicans in the territory now known as the ‘U.S. Southwest’ began.” Cristobal Cavasos, *Violence Against Mexicans: A Neglected Part of Our History*, PEOPLE’S WEEKLY WORLD, June 15, 2006, at 41, available at <http://www.pww.org/article/articleview/9336/>.

<sup>2</sup> Brentin Mock, *Immigration Backlash: Hate Crimes Against Latinos Flourish*, INTELLIGENCE REPORT (S. Poverty Law Ctr., Montgomery, Ala.), Winter 2007, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=845>.

<sup>3</sup> Animosity toward other groups of aliens has occurred sporadically in U.S. history. Irish immigrants in the 1800s were the subject of hostility. Near the end of the

Our collective attention is now drawn to the issue of violence against Latinos, however, due to a dramatic rise in these incidents across the country—it is estimated that “[h]ate crimes targeting Latinos increased again in 2007, capping a 40% rise in the four years since 2003, according to FBI statistics.”<sup>4</sup> Latinos are being attacked not only by those motivated by racial or ethnic bias, but also by those who espouse anti-immigrant sentiment, offering another layer of complexity to the overall picture. In many instances both motives play a significant role in such attacks. What may be most disturbing is that the statistics tend to capture only those incidents that are reported and classified as hate crimes.<sup>5</sup> Many incidents go unreported for a number of reasons worth understanding, and which will be briefly discussed herein.<sup>6</sup> The obvious question that remains is: *why is this upward trend in violence happening now?* While this piece will not attempt to give a definitive answer to this question, nor will it seek to capture the entirety of the dilemma, it hopes to explore some of the contributing factors to this upward trend in violence, including the ongoing discourse and rhetoric on immigration and the particular vulnerability of the Latino immigrant community. There also seems to be, at the very least, a correlation between those localities that have been embroiled in debates focusing on local immigration enforcement policies and incidents of hate crimes against Latinos.<sup>7</sup>

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nineteenth century, Chinese immigrants suffered violence and bore the brunt of a wave of draconian federal immigration laws. Animosity directed at Japanese immigrants, as well as citizens of Japanese ancestry, culminated in their internment during World War II. See Kevin Johnson, “Aliens” and the U.S. Immigration Laws: The Social and Legal Construction of Non-Persons, 28 U. MIAMI INTER-AM. L. REV. 263 (1997). See also RONALD TAKAKI, A DIFFERENT MIRROR: A HISTORY OF MULTICULTURAL AMERICA (1993); MAE M. NGAI, IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA (2003); TIMOTHY DAVIS ET AL., A READER ON RACE, CIVIL RIGHTS, AND AMERICAN LAW: A MULTIRACIAL APPROACH (2001).

<sup>4</sup> *Anti-Latino Hate Crime Up for Fourth Year*, INTELLIGENCE REPORT (S. Poverty Law Ctr., Montgomery, Ala.), Winter 2008, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=990>.

<sup>5</sup> “In response to the Hate Crimes Statistics Act of 1990, the FBI was charged with developing a national program for the collection of bias crime statistics. What evolved, and is still evolving, is the National Hate Crime Data Collection Program. This program involves the collection, compilation, and publication of bias crime statistics from state and local law enforcement agencies.” James J. Nolan III et al., *Learning to See Hate Crimes: A Framework for Understanding and Clarifying Ambiguities in Bias Crime Classification*, 17:1 CRIMINAL JUSTICE STUDIES 91–105 (2004).

<sup>6</sup> Deepa Bharath, *Judge Orders Jail Time, Probation in Attack on Latino*, ORANGE COUNTY REGISTER, Dec. 19, 2008, available at <http://www.ocregister.com/articles/judge-wilson-three-2262153-goethals-alvarado>.

<sup>7</sup> For example, the recent incidents in Shenandoah, Pennsylvania and Patchogue, New York discussed *infra*.

## II. THE ONGOING IMMIGRATION DEBATE AND THE RHETORIC

According to the Pew Hispanic Center, as of mid-2007, Hispanics made up 15.1% of the total U.S. population.<sup>8</sup> Immigrants from Latin America are the largest immigrant group by region, according to the 2004 Yearbook of Immigrant Statistics.<sup>9</sup> When those who perpetrate violent acts against Latinos are motivated by a desire to attack “illegal aliens,” it is impossible to do so without using race and ethnicity as a factor in targeting. What does an “illegal alien” look like? Stereotypes and negative images of the Latino immigrant are often associated with the term “illegal alien.”<sup>10</sup> Targeting the undocumented is usually a pretext for anti-Latino motives, as it has never been shown to be the case that perpetrators of this kind of violence stop to ask their victims about their immigration status. Stereotypes of Latinos have been used by groups that encourage and incite violence against immigrants, as well as by some reporters and media outlets reporting on the so-called “immigration problem,” thereby not only infecting the dialogue, but also setting the stage for acts of violence against Latinos.<sup>11</sup>

## III. HATE SPEECH AND NEGATIVE DEPICTIONS OF LATINOS

The proliferation of hate speech and hate materials targeting Latinos is one of the most critical aspects of the growing trend in violence. Where the debate has risen to a fever pitch and Latino immigrants are made out to be “illegals” who are “the problem,” it is only logical to conclude that the rhetoric has, at least, contributed to the rising number of hate incidents against Latinos. Examples of blatant stereotyping and racist depictions of Latino immigrants are easy to find. For example, the National Socialist Movement, a group which proclaims its mission is to defend the rights of whites everywhere and to reform illegal immigration policies,<sup>12</sup> often uses fliers that depict the stereotypical image of a

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<sup>8</sup> RICHARD FRY, *LATINO SETTLEMENT IN THE NEW CENTURY*, PEW HISPANIC CENTER (2008) (noting that Latinos account for half of U.S. population growth since 2000), available at <http://pewhispanic.org/files/reports/96.pdf>.

<sup>9</sup> See U.S. DEP'T. OF HOMELAND SECURITY, OFFICE OF IMMIGRATION STATISTICS, 2004 Yearbook of Immigration Statistics at 6 (2006), available at <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2004/Yearbook2004.pdf>.

<sup>10</sup> See Sheila L. Seshans, *Images of Latino Immigrants in the Media*, 4 PERSPECTIVES (Fall 2001), <http://aabss.org/journal2001/Seshan2001.jmm.html>.

<sup>11</sup> See NAT'L COUNCIL OF LA RAZA, *WE CAN STOP THE HATE: A TOOL KIT FOR ACTION 2* (2008), available at [http://www.wecanstopthehate.org/site/what\\_you\\_can\\_do](http://www.wecanstopthehate.org/site/what_you_can_do) (under “Get Involved,” click “Download” link).

<sup>12</sup> The National Socialist Movement, <http://www.nsm88.org/aboutus.html> (last visited Mar. 23, 2009).

“Mexican Bandido”<sup>13</sup> with the words “If it’s Brown Flush its Down!” and “Subhuman Spic Scum” across the sombrero. The National Socialist Movement has become notorious for creating and distributing hate-filled materials, like this one, with many of these hate materials easily available through their website.<sup>14</sup> Unfortunately, the National Socialist Movement is just one of many extremist groups that similarly promote hate and violence. The Southern Poverty Law Center has reported that 926 hate groups were active in the United States in 2008, many of which similarly advance an anti-immigrant and anti-Latino agenda.<sup>15</sup> A report by the Anti-Defamation League (“ADL”), *Extremists Declare ‘Open Season’ on Immigrants: Hispanics Target of Incitement and Violence*, catalogues a number of examples of “hateful and racist rhetoric” and a multitude of stereotypes and negative images wielded by these anti-Latino and anti-immigrant groups.<sup>16</sup>

In one of the most alarming examples of anti-Latino and anti-immigrant media, a shoot-to-kill video game on the internet called *Border Patrol*,<sup>17</sup> “the objective is to kill caricatures of Mexicans as they attempt to cross the border and gain entry to the U.S. . . . Targets include a ‘Mexican Nationalist,’ who carries a Mexican flag and a pistol; a ‘Drug Smuggler,’ wearing a sombrero and carrying a bag of marijuana on his back; and finally a ‘Breeder’—a pregnant woman who has two small children in tow.”<sup>18</sup> As explained on the opening screen of the “game,” “[t]here is one simple objective to this game, keep them out . . . at any cost!”<sup>19</sup> Hate groups are finding ways to spread their message using the internet and video games like this one. As one looks at the use of such imagery by groups that espouse hate, the common message seems to be the following: to target Latinos.

<sup>13</sup> See Steven W. Bender, *Sight, Sound, and Stereotype: The War on Terrorism and Its Consequences for Latinas/os*, 81 OR. L. REV. 1153 (2002).

<sup>14</sup> *Id.*

<sup>15</sup> David Holthouse, *The Year in Hate: The Number of Hate Groups Tops 900*, INTELLIGENCE REPORT (S. Poverty Law Ctr., Montgomery, Ala.) Spring 2009, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=1027>.

<sup>16</sup> Anti-Defamation League, *Extremists Declare ‘Open Season’ on Immigrants: Hispanics Target of Incitement and Violence* (2006), available at [http://www.adl.org/main\\_Extremism/immigration\\_extremists.htm](http://www.adl.org/main_Extremism/immigration_extremists.htm) (last visited Mar. 24, 2009) [hereinafter *Extremists Declare ‘Open Season’*].

<sup>17</sup> *Id.* See also *Racist Games*, <http://www.resist.com/racistgames/playborderpatrol/borderpatrol.htm> (last visited Mar. 23, 2009) (Border Patrol game posted by white supremacist Tom Metzger on the website for his white supremacist group, White Aryan Resistance (W.A.R.)).

<sup>18</sup> *Extremists Declare ‘Open Season,’ supra* note 16.

<sup>19</sup> *The Insurgent, supra* note 17.

It is important to note that “[t]he violent rhetoric has not come only from explicitly white supremacist groups, but also from members and leaders of anti-immigration groups.”<sup>20</sup> Groups like Federation for American Immigration Reform (“FAIR”), Center for Immigration Studies (“CIS”), and NumbersUSA specifically target immigration as a “problem”—blurring the issues and contributing to attitudes of nativism and xenophobia, stoking fears and exaggerating the impacts of immigration. Many immigrants’ rights advocates have also pointed to anti-Latino messages furthered by these same groups.

FAIR has been widely known to take anti-Latino positions. Dan Stein, the former executive director of FAIR, has been quoted as saying: “Immigrants don’t come all church-loving, freedom-loving, God-fearing. Some of them firmly believe in socialist or redistributionist ideas. Many of them hate America, hate everything the United States stands for. Talk to some of these Central Americans.” In one of FAIR’s reports, they warn of the “consequences of mass migration from Mexico,” stating:

The large influx of immigrants from Mexico—[p]articularly to the U.S. Southwest—differs in important ways from the traditional immigration model this country has experienced. In addition to the sheer size and longevity of this wave of immigration, the United States has no historic precedent of large numbers of people coming to this country who could argue that they were returning to a country that was once theirs.<sup>21</sup>

It is particularly troubling that many of their published reports use pictures and images of Latinos crossing the border and the border itself, and claim an invasion by immigrants from Latin America.<sup>22</sup> Such associations between images and text focusing on themes of invasion contribute to misperceptions about Latinos, especially against immigrants from Mexico and Central America. FAIR has been criticized for its anti-Latino and anti-immigrant statements and positions.<sup>23</sup>

CIS has also been frequently criticized for its apparent bias. “CIS attempts to blame immigrants for all of the U.S.’s problems

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<sup>20</sup> *Extremists Declare ‘Open Season,’ supra* note 16.

<sup>21</sup> FEDERATION FOR IMMIGRATION REFORM, *Chicano Nationalism, Revanchism and the Aztlan Myth* (2005), available at [http://www.fairus.org/site/PageServer?pagename=iic\\_immigrationissuecenters861a](http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecenters861a).

<sup>22</sup> See, e.g., JACK MARTIN, *THE COSTS OF ILLEGAL IMMIGRATION TO NEVADANS* (2009), available at [http://www.fairus.org/site/DocServer/nv\\_costs.pdf?docID=2501](http://www.fairus.org/site/DocServer/nv_costs.pdf?docID=2501).

<sup>23</sup> ANTI-DEFAMATION LEAGUE, *IS FAIR UNFAIR?* (2000), available at [http://www.adl.org/civil\\_rights/is\\_fair\\_unfair.pdf](http://www.adl.org/civil_rights/is_fair_unfair.pdf).

have been laughable,” said Angela Kelley of the Immigration Policy Center, a Washington, D.C., organization that uses well-known scholars to produce reports on immigration-related issues and has debunked many of the studies issued by CIS. “It is clear that CIS is not interested in serious research or getting the facts straight.”<sup>24</sup>

CIS has published “studies” which use anti-Latino language and conclusions.<sup>25</sup> One study begins: “Monthly data collected by the Census Bureau through May 2008 shows a significant decline in the number of less-educated, young Hispanic immigrants in the country.”<sup>26</sup> The next sentence presumes that “less educated, young Hispanic immigrants” are the entirety of the undocumented population. It reads: “The evidence indicates that the illegal immigrant population may have declined by over one million in the last year.”<sup>27</sup> Conclusory statements such as these can hardly be considered the results of careful scientific inquiry. These “studies” reinforce negative stereotypes of Latino immigrants.

On its website, NumbersUSA claims that the United States is overpopulated and identifies what it believes to be the three causes of the “biggest U.S. population boom ever”: low “native fertility,” “immigration,” and high “immigrant fertility.”<sup>28</sup> NumbersUSA has been criticized for “tak[ing] people who are upset about illegal immigration for different reasons, including hostility to Latino immigrants, and disciplin[ing] them so their message is based on policy rather than race-based arguments or xenophobia.”<sup>29</sup> In an effort to seem sensitive to the issue of “immigrant bashing,” NumbersUSA

<sup>24</sup> *Behind the Mask: Center for Immigration Studies Hardly 'Independent,'* INTELLIGENCE REPORT (S. Poverty Law Ctr., Montgomery, Ala.), Spring 2009, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=1000>.

<sup>25</sup> See Posting of Zuraya Tapia-Alfaro to NDNBlog, <http://ndnblog.org/taxonomy/term/434> (July 31, 2008, 13:11) (post titled “Center for Immigration Studies: The New Case Against Hispanics”); see also Patrick Osio, Jr., Center for Immigration Studies Exposes Itself in Public, HISPANIC MARKETING & PUBLIC RELATIONS (MPR), Mar. 8, 2007, <http://www.hispanicmpr.com/resources/articles/center-for-immigration-studies-exposes-itself-in-public> (scroll halfway down page, and follow hyperlink “Center for Immigration Studies Exposes Itself in Public”); Jill Garrey, *Anti-Immigrant Organization with Ties to White Nationalism Releases Report on Gang Violence*, IMAGINE 2050, Oct. 2, 2008, <http://imagine2050.newcomm.org/2008/10/02/anti-immigrant-organization-with-ties-to-white-nationalism-releases-report-on-gang-violence>.

<sup>26</sup> STEVEN A. CAMAROTA & KAREN JENSENIUS, CENTER FOR IMMIGRATION STUDIES, *HOMEWARD BOUND: RECENT IMMIGRATION ENFORCEMENT AND THE DECLINE IN THE ILLEGAL ALIEN POPULATION 1* (2008).

<sup>27</sup> *Id.*

<sup>28</sup> NumbersUSA.com, Three Possible Causes of Biggest U.S. Population Boom Ever, <http://www.numbersusa.com/content/learn/about-problem/three-possible-causes-biggest-us-populat.html> (last visited March 14, 2010).

<sup>29</sup> Robert Pear, *A Million Faxes Later, A Little-Known Group Claims a Victory on Immi-*

has dedicated a message from its Executive Director, Roy Beck, on its website to the topic, stating in part:

Nothing about this website should be construed as advocating hostile actions or feelings toward immigrant Americans; illegal aliens deserve humane treatment even as they are detected, detained and deported. Unfortunately, to write about problems of immigration is to risk seeming to attack immigrants themselves. Even worse is the risk of inadvertently encouraging somebody else to show hostility toward the foreign-born as a group.<sup>30</sup>

While NumbersUSA attempts to separate itself from incidents of hate and “immigrant bashing,” it is impossible to ignore the connection between ongoing efforts by organizations such as NumbersUSA to blame immigrants, and the growing perceptions of some that it is acceptable to target and attack Latino immigrants.<sup>31</sup>

The unfettered use of anti-Latino language and imagery by some groups—not only those considered to be extremist in nature—has served to degrade general perceptions and understandings of the Latino community as a whole. Negative depictions of Latinos serve to unjustly legitimize those who believe it is acceptable to target Latinos to cause them harm.

#### IV. LATINO IMMIGRANTS IN THE MASS MEDIA

Unfortunately, the negative portrayal of Latino immigrants in the media has also served to encourage a general sentiment against the Latino community. The problem has become so significant that a number of national organizations have formed advocacy campaigns aimed at shedding light on the problem.<sup>32</sup> According to the National Council of La Raza (“NCLR”), there are code words and phrases that are often used in the media that serve to demonize Latino immigrants. These words and phrases tend to fall into

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gration, N.Y. TIMES, Jul. 15, 2007, at A17, available at <http://www.nytimes.com/2007/07/15/us/politics/15immig.html>.

<sup>30</sup> NumbersUSA, “No” to Immigrant Bashing, <http://www.numbersusa.com/content/learn/about-us/no-immigrant-bashing/no-immigrant-bashing.html> (last visited Apr. 1, 2010).

<sup>31</sup> A recent incident in Florida, where a man is believed to have gone on a shooting spree, killing two and injuring three students from Chile, provides a concrete basis for asserting such a connection. See Alex Denis, *Early Morning Shooting Kills 2 Injures 3 in Miramar Beach*, WJHG television broadcast (Feb. 26, 2009), <http://www.wjhg.com/home/headlines/40388992.html> (last visited Mar. 24, 2009).

<sup>32</sup> We Can Stop the Hate, Take the Hate Out of the Immigration Debate, <http://www.wecanstopthehate.org> (last visited Mar. 30, 2009) (a campaign led by the National Council of La Raza); see also Latinos Against Hate Speech, Hate Speech is Not Free Speech, <http://www.latinosagainsthatespeech.org/index.html> (last visited Mar. 30, 2009) (a campaign organized by the National Hispanic Media Coalition).

some specific rhetorical categories or themes—ethnic slurs or race-based stereotypes, a focus on war and invasion (describing immigrants as “third world invaders”), and an obsession with disease, crime and welfare.<sup>33</sup> For example:

[m]any commentators inaccurately suggest that immigrants in general, and Latino immigrants in particular, have a higher proclivity to commit crime. CNN’s Glenn Beck suggests that Mexicans come from an inherently lawless culture: “You want to leave Mexico for a reason, and that reason is that it is . . . so riddled with drugs and corruption and the mob that you cannot raise a family. It is a country that has been overtaken by lawbreakers from the bottom to the top.” On one program, Lou Dobbs asserted that one-third of those in federal prisons are non-citizens, and then later said, “illegal aliens, those citizens—noncitizens taking up a third of our cells in our penitentiaries,” a claim that subsequent analysis has proven to be both exaggerated and misleading.<sup>34</sup>

The interweaving of the issue of immigration with unsupported analysis and misinformation about Latinos is a common feature of talk shows discussing immigration. “This preoccupation with immigration has contributed to the misperception that most—or at least many—Latinos are unauthorized immigrants.”<sup>35</sup> In an effort to capture and study hate speech in the media, the Chicano Studies Research Center at the University of California, Los Angeles, has also undertaken a pilot study looking into hate speech on commercial talk radio.<sup>36</sup> With campaigns and studies looking into these issues, there may be stronger support for legislative and other community-based solutions for the overall problem of hate speech that targets Latinos and which explicitly and implicitly incites violence against them.

## V. INCIDENTS OF HATE – MAKING SOME CONNECTIONS

One consequence of this barrage of negative rhetoric against Latinos has been the upward trend in violence we are now witness-

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<sup>33</sup> See ANTI-DEFAMATION LEAGUE, IMMIGRANTS TARGETED: EXTREMIST RHETORIC MOVES INTO THE MAINSTREAM (2008), available at [http://www.adl.org/civil\\_rights/anti\\_immigrant/Immigrants%20Targeted%20UPDATE\\_2008.pdf](http://www.adl.org/civil_rights/anti_immigrant/Immigrants%20Targeted%20UPDATE_2008.pdf).

<sup>34</sup> NAT’L COUNCIL OF LA RAZA, CODE WORDS IN THE DEBATE, FACT SHEET 7 (2008).

<sup>35</sup> AMÉRICA RODRIGUEZ, MAKING LATINO NEWS: RACE, LANGUAGE, AND CLASS 2 (Sage 1999).

<sup>36</sup> CHON A. NORIEGA & FRANCISCO JAVIER IRIBARREN, HATE SPEECH ON COMMERCIAL TALK RADIO, PRELIMINARY REPORT ON A PILOT STUDY, LATINO POLICY & ISSUES BRIEF NO. 22 (2009), available at [http://www.chicano.ucla.edu/press/briefs/documents/PB22\\_000.pdf](http://www.chicano.ucla.edu/press/briefs/documents/PB22_000.pdf).

ing. This increase can be seen in the recent incident in Patchogue, New York, where the perpetrators of a fatal attack were reportedly “beaner jumping”—looking for Mexicans to assault—an activity they engaged in regularly. The fact that the attackers were seeking to victimize Latinos is disturbing. The attackers killed a man named Marcelo Lucero, an individual of Ecuadorian descent—a detail of little consequence, since to the attackers he was just another Latino. The perpetrators of this incident were teenagers, who allegedly engaged in this activity on a weekly basis for months and victimized a number of Latinos in that community. In yet another incident that also illustrates the connection between the rhetoric and violence, a man named Dannie Baker is alleged to have killed two and injured three students in Miramar Beach, Florida, merely because they were from Latin America. According to a news report:

Neighbors say Baker wasn’t happy with all the activity at the house and think that was the motive for his shooting spree.

Neighbor Crystal Lynn says, “he did come up to me one time and asked me if I was ready for the revolution to begin and if I had any immigrants in my house to get them out.”

The victims were foreign nationals who appear to have been working in the U.S. legally.<sup>37</sup>

The number of reported incidents like these is climbing. The link between the perpetrators’ perceptions of their victims and the harm they thought acceptable to cause them is undeniable. Is there something to be learned from these incidents? It would seem that this is a perfect opportunity to examine whether or not there is something that can be done to minimize anti-immigrant and anti-Latino messages that contribute to an atmosphere of hate. There are also specific actions that could be taken to better protect our communities from this kind of violence.

## VI. UNIQUE VULNERABILITIES DEMANDING ANOTHER APPROACH

After speaking to a number of individuals who have survived hate incidents,<sup>38</sup> a number of common issues seem to arise.<sup>39</sup> First, many who were attacked were attacked on the street. Most ex-

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<sup>37</sup> *Early Morning Shooting Kills 2 Injures 3 in Miramar Beach*, *supra* note 31.

<sup>38</sup> Most of these survivors are residents of Patchogue, New York, and in some instances were the victims of the same attackers who targeted Mr. Lucero.

<sup>39</sup> For additional stories from survivors, see Anne Barnard, *Latinos Recall Pattern of Attacks Before Killing*, N.Y. TIMES, Jan. 9, 2009, at A1, available at <http://www.nytimes.com/2009/01/09/nyregion/09patchogue.html>.

plained that they were targeted on their way home from work and usually in evening hours. Even in certain instances where they were traveling with others, that did not dissuade their attackers. Many reported that the attackers used anti-Latino slurs while attacking them or felt that they were targeted because they were Latino put it, “there could be no other reason for the attackers to have targeted [him].” In many instances, the attackers were also seeking to rob their targets, but in some instances the individuals were assaulted or beaten without any other obvious motive. Some survivors reported the incident to the police, but many more were afraid or reluctant to report the attack—many due to fears that the police would ask them about their immigration status or report them to immigration authorities, and others due to a general understanding that the police would not do anything to the attackers because the police wouldn’t believe that young teenagers had attacked them. One survivor explained that months before being attacked, he had witnessed an attack on the street of another man and that when he went up to the police to explain what he had seen, the police forcefully told him to mind his own business. He explained that this interaction left him distrustful of the police and was one of the main reasons why he did not go to the police after he himself had been the victim of an attack.

A pattern is emerging where Latino men are becoming targets for such attacks across the country.<sup>40</sup> The safety and security of all members of the community—Latino or not, immigrant or not—is compromised when victims of such attacks feel that they cannot turn to those who are supposed to make the community a safe place for everyone. One of the most obvious remedies is to restrict local police officers from immigration enforcement, particularly when interacting with victims of crimes. Immigration enforcement can be left to immigration officials, thereby ensuring that police authorities are able to secure witnesses when necessary and fight crime on behalf of everyone, regardless of their immigration status. Such an approach would be beneficial to everyone. It could also serve to minimize racial profiling, another unfortunate trend that seems to be on the rise in communities that have instituted immigration enforcement policies,<sup>41</sup> and maximize trust in the commu-

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<sup>40</sup> See Jonathan Abel & Sandra Amrhein, *Easy Targets*, ST. PETERSBURG TIMES, Jan. 4, 2009, at 3A, available at <http://www.tampabay.com/news/article956114.ece>; see also Adam Nossiter, *Day Laborers Are Easy Prey In New Orleans*, N.Y. TIMES, Feb. 16, 2009, at A1, available at <http://www.nytimes.com/2009/02/16/us/16hispanic.html>.

<sup>41</sup> IMMIGR. POL’Y CTR., LOCAL ENFORCEMENT OF IMMIGRATION LAWS THROUGH THE 287(G) PROGRAM I (2009).

nity. Community policing, where the police work hand-in-hand with the community, has proven to be one of the most effective types of policing.<sup>42</sup> As was apparently the case in Suffolk County, police in some localities have been asking victims of crime about their immigration status or legal residence when they report crimes.<sup>43</sup> This practice sends a chilling message to members of the immigrant community: that they are not entitled to equal protection. These kinds of policies work against the ultimate purpose of police enforcement and only serve to jeopardize the safety of all members of the community.

A number of other actions can be taken to counter the trend in hate incidents against Latinos. First, police can and should adopt mechanisms that allow victims to report crimes more easily. For example, anonymous tip lines or anonymous reporting can be implemented and encouraged. Acquiring and ensuring that there are readily available interpreters when law enforcement encounters victims who speak other languages can also serve to further elevate trust and effectiveness. While diversity training of police officers is important, this cannot be taken lightly. Ongoing trainings can and should be encouraged. Also, efforts toward community education can go a long way toward fostering more harmonious communities and dispelling misperceptions and prejudice, particularly in rapidly growing immigrant communities.<sup>44</sup> Such efforts can and should be tailored to respond to the unique needs of communities.

## VII. ANOTHER CONNECTION: LOCALITIES IMPLEMENTING LOCAL IMMIGRATION ENFORCEMENT

The fact that Latinos have been targeted for such attacks in localities that have been embroiled in the debate over local immigration enforcement is not a coincidence. Marcelo Lucero was a resident of Patchogue, which is located in a county in New York

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<sup>42</sup> U.S. Department of Justice, COPS Office of Community Oriented Policing Services: What is Community Policing?, <http://www.cops.usdoj.gov/default.asp?item=36> (last visited Mar. 24, 2009).

<sup>43</sup> Dave Marcus, *Records Sought over Bias Worries*, NEWSDAY, Feb. 25, 2009, at A16, available at <http://www.newsday.com/news/local/ny-lipatc0225,0,2413139.story>.

<sup>44</sup> See generally Kathi West, U.S. Attorney's Office, & Jennifer Wiley-Cordone, National Center for Hate Crime Prevention, Address at the National Network of Violence Prevention Practitioners' Summit, *Healing the Hate: Innovations in Hate Crime Prevention* (July 9, 1999), available at <http://caag.state.ca.us/civilrights/pdf/healing.pdf>.

that has been engaged in an ongoing debate over immigration for a number of years.

In Suffolk County, the number of undocumented immigrants referred to federal authorities has surged, from 44 people in 2004, when the county executive, Steve Levy, took office, to 2,289 [in 2006], Mr. Levy said. Police officers ask those they arrest about their immigration status and refer undocumented individuals to federal authorities.

“Many local governments take the point of view that they don’t want to ask that question,” Mr. Levy said. “I think it’s ridiculous for localities to call themselves sanctuaries.” He called the notion that some people would stop cooperating with the police “silly.”<sup>45</sup>

Such policies of local cooperation serve to embolden those who seek to cause harm to immigrants. These policies send a message that it is acceptable to go after those in the community who are perceived to be undocumented, and therefore unwanted in the community.

In another incident, in Shenandoah, Pennsylvania, Luis Eduardo Ramirez was brutally murdered because he was Latino. Ramirez was beaten to death by a group of teenagers. A witness at the scene said the assailants shouted, “You tell all your Mexican friends to get out of town.”<sup>46</sup> After his death, his fiancée said that Ramirez and others had been subject to race-based harassment in their town, “constantly yelled at . . . as they walked down the street.”<sup>47</sup> Shenandoah is one of many communities throughout the country that has discussed the adoption of local ordinances to address immigration matters. These ordinances have attempted to authorize localities to enforce immigration laws. “[T]he town of Hazleton, about 20 miles from Shenandoah, enacted an ordinance that sought to discourage people from hiring or renting to illegal immigrants . . . . Shenandoah, whose Hispanic population has grown to about 10 percent, from 2.8 percent in 2000, considered a similar ordinance but held off after Hazleton was sued.”<sup>48</sup> These

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<sup>45</sup> Kareem Fahim, *Should Immigration Be a Police Issue?*, N.Y. TIMES, Apr. 29, 2007, at NJ14, available at <http://www.nytimes.com/2007/04/29/nyregion/nyregionspecial2/29MORRISR.html>.

<sup>46</sup> Leslie Richardson & Dustin Pangonis, ‘*How Is That Not a Racial Issue?*’: *Shenandoah Residents React to Homicide*, REPUBLICAN & HERALD, July 17, 2008, available at [http://www.republicanherald.com/articles/2008/07/17/news/local\\_news/pr\\_republican.20080717.a.pg1.pr17homicide\\_s1.1815854\\_top2.txt](http://www.republicanherald.com/articles/2008/07/17/news/local_news/pr_republican.20080717.a.pg1.pr17homicide_s1.1815854_top2.txt).

<sup>47</sup> *Id.*

<sup>48</sup> Sean D. Hamill, *Mexican’s Death Bares a Town’s Ethnic Tension*, N.Y. TIMES, Aug. 5, 2008, at A12, available at <http://www.nytimes.com/2008/08/05/us/05attack.html>.

ordinances, and the debates surrounding them, have fueled anti-immigrant and anti-Latino sentiment. The number of incidents taking place in cities and towns where these issues have been hotly debated is troubling and should send politicians a clear message to be careful not to encourage divisiveness in their communities.

#### VIII. CONCLUSION

While the connections made in this piece are largely the observations of the author, it is hoped that communities faced with rising incidents of this kind of violence will attempt to bridge the divide and encourage their residents to see each other as people first and not through a lens of “us versus them”—immigrants versus the rest. Understanding how divisive rhetoric can lead to violence is merely the first step toward providing safety and security for everyone. If everyone is charged with engaging in responsible and educated discussions on the issues, perhaps we will see a day when the scapegoating of immigrants will not be just another chapter in our nation’s history, and “beaner-jumping” will be an ugly fact of our past.

