Kedarie Johnson: Debate on Hate Crime

Student’s name

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Subject

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**Summary**

On the fateful morning of 2nd March 2016, the dead body of Kedarie Johnson was found an alley in a South Hill neighborhood in Burlington (Davey, 2017). He was sixteen years old, and a high school junior at that time (Davey, 2017). Kedarie was a well-known, well-liked, and gregarious teenager (Davey, 2017). His mother referred to him as a gender-fluid individual instead of a transgender due to the fact that he sometime dressed as a male and went by his birth name whereas at other time, he dressed as a woman and went by the name Kandiece (Davey, 2017). His mother further told that he did have girlfriends but preferred to have boyfriends (Davey, 2017). His mother and friends believe that Kedarie’s murder is a hate crime. The victim’s friend testified that he stopped by her house on the night of the murder, to borrow her bras, and was worried on being followed by a few people (Davey, 2017). Presenting as a woman, he was walking on the road against the biting wind when a car pulled over, and the defendants convinced him to get inside (Davey, 2017). The two men took him to the apartment to have sex with him. However, they got enraged on finding out that he was biologically a male (Davey, 2017). They knocked him off, stuffed a plastic bag in his throat, wrapped a gag around his face, and covered his head with a plastic bag (Davey, 2017). He was alive when they took him to an alleyway, where he gained consciousness and was struggling to breathe when they shot him twice (Davey, 2017). They then doused his body with bleach to destroy any traces of DNA (Davey, 2017). The court did not count the offense as a hate crime, and convicted the defendants of first-degree murder. They have been given life in prison.

**Essay**

A hate crime is an offense motivated by the offender’s bias against a gender identity, gender, ethnicity, sexual orientation, disability, religion or race (Federal Bureau of Investigation, 2017). However, hate is not the only factor; other factors such as disgust (Cottrell & Neuberg, 2005), anger (Ray *et al.,* 2004) or fear (Ray & Smith, 2002) might also be involved in hate crimes. Such an act exhibits an extreme form of prejudice developed mostly in the context of social or political change (Franklin, 1997). For this reason, perpetrators and members of unfamiliar groups may feel that the demographic changes threaten their way-of-life or livelihood (Stacey *et al.,* 2011).

Therefore, hate crimes are different from merely malicious or hateful acts. These crimes hinge on motivation (Boeckmann & Turpin‐Petrosino, 2002). Also, as pointed out earlier, the motivation must be based on a bias (Perry, 2012). For this reason, the victim needs not to belong to a protected class under a law. It means that if a murderer kills a person because he thinks that he is a Jew while in reality he was an agonistic Catholic, the offense will be a hate crime (the murderer’s intention was based on prejudice against Jews). Putting it in simple words, being wrong about whom to target does not excuse the offender from the conviction of a hate crime.

Furthermore, hate crimes have far-reaching psychological consequences (Herek *et al.,* 1999). They do not only affect and his/her immediate family members and close friends but others as well (Perry & Alvi, 2012). Generalized terror spreads in the targeted group whereas ominous effects are made on the minority groups, which identify themselves with the target group on the basis of a doctrine or ideology (Iganski, 2001). Moreover, factionalism and divisions, largely damaging multicultural societies, arise in response to hate crimes (Craig & Waldo, 1996).

In the case under discussion, the murder was not a parallel crime due to the fact that the victim, Kedarie Johnson, sometimes dressed as a woman and went by the name Kandiece (Davey, 2017). On the night of the murder, he was wearing female cloths and presenting as a woman wearing leggings, a pink headband and hair extensions (Davey, 2017). The defendants began to follow him slowly, and flirted with later. They convinced him to get into their vehicle (Davey, 2017). Then they drove him to the apartment they often took young women for sex (Davey, 2017). The prosecutor in the case suggested that the murderer mistook him as a woman and grew angry when they found otherwise and killed him (Davey, 2017). Moreover, they never killed anyone before (or at least, there is no evidence of any prior murder at this point in time). Therefore, it is suggestible that the teenager had been killed on the grounds of prejudice.

Although there are no eyewitnesses to the kidnapping, torture and murder but the forensic, electronic and physical evidence left behind support the case. The CCTV footage of the store, where he used to hang out and use Wi-Fi showed him presenting as a woman (Davey, 2017). The teenager’s friend testified that he stopped by her house, to borrow her bras, and was worried on being followed by a few people (Davey, 2017). The two men took him to the apartment, knocked him off, stuffed a plastic bag in his throat, wrapped a gag around his face, and covered his head with a plastic bag (Davey, 2017). He was alive when they took him to an alleyway, where he gained consciousness and was struggling to breathe when they shot him twice (Davey, 2017). They then doused his body with bleach. A bleach bottle was found next to his dead body whereas his shoes and backpack were found in the apartment (Davey, 2017). The murder weapon was found in the car, which was used to pick the teenager from the road (Davey, 2017).

Based on such elaborative evidence, it can easily be concluded that the murder was a hate crime. It was an actuarial bias offense and cannot, and must not, be considered a symbolic bias offense. The Iowa Department of Criminal Investigation and the Burlington (Iowa) Police Department, with assistance from FBI, investigated the case (Davey, 2017). The local authorities, in charging the defendants with the murder and not hate crime, concluded that under the Iowa’s statute, the killing did not amount to a hate crime (Davey, 2017). The statute prohibits committing crimes against people on the grounds of sexual orientation, religion and race (Davey, 2017). However, the element of gender identity is not covered (Davey, 2017). Therefore, the local authorities convicted the defendants of first-degree murder, which carries a serious penalty, i.e., life in prison (Davey, 2017).

The outcome of the case is not fair despite the fact that life in prison was given to the defendant. The murder of the teenager meets the requirements of a hate crime as defined under the federal law. However, the Iowa’s statute does not include the term ‘gender identity’. Therefore, the defendants have only been convicted of first-degree murder. Being convicted of hate crime would have taken them to death penalty. The situation is unfortunate because it exposes a particular group of people to hate crimes, which would go unnoticed. Although efforts were made in 2015 to add the factor of gender identity as a ground for hate crime in Iowa’s statute but they died in the Legislature. Charging a hate crime is not just about the penalties, it sends a message to the world at large that a state recognizes a vulnerable group and does not tolerate any kind of prejudice behavior.

**References**

Boeckmann, R. J., & Turpin‐Petrosino, C. (2002). Understanding the harm of hate crime. Journal of social issues, 58(2), 207-225.

Cottrell, C. A. and Neuberg, S. L. (2005) ‘Different emotional reactions to different groups: A sociofunctional threat-based approach to “Prejudice”’, Journal of Personality and Social Psychology, 88(5), 770–89.

Craig, K. M., & Waldo, C. R. (1996). „So, what's a hate crime anyway?” young adults' perceptions of hate crimes, victims, and perpetrators. Law and Human Behavior, 20(2), 113-129.

Davey, M. (2017). An Iowa Teenager Was Killed in an Alley, but Was It a Hate Crime? The New York Times. Retrieved from: <https://www.nytimes.com/2017/10/26/us/transgender-iowa-murder-trial-kedarie-johnson.html>

Federal Bureau of Investigation. (2017). Hate crimes. Washington, DC: U. S. Department of Justice. Retrieved from

Franklin, K. (1997). Psychosocial motivations of hate crime perpetrators: Implications from prevention and policy. Paper presented at a congressional briefing co-sponsored by the American Psychological Association and the Society for the Psychological Study of Social Issues. Washington, D.C.

Herek, G. M., Gillis, J. R., & Cogan, J. C. (1999). Psychological sequelae of hate-crime victimization among lesbian, gay, and bisexual adults. Journal of consulting and clinical psychology, 67(6), 945.

<https://www.fbi.gov/about-us/investigate/civilrights/hate_crimes/overview>

Iganski, P. (2001). Hate crimes hurt more. American Behavioral Scientist, 45(4), 626-638.

Perry, B. (Ed.). (2012). Hate and bias crime: A reader. Routledge.

Perry, B., & Alvi, S. (2012). ‘We are all vulnerable’ The in terrorem effects of hate crimes. International Review of Victimology, 18(1), 57-71.

Ray, L. and Smith, D. (2002) ‘Hate crime, violence and cultures of racism’, in Iganski, P. (ed.) The hate debate: Should hate be punished as a crime? London: Profile Books, pp. 88–102.

Ray, L., Smith, D. and Wastell, L. (2004) Shame, rage and racist violence. British Journal of Criminology, 44(3), 350–68

Stacey, M., Carbone-López, K., & Rosenfeld, R. (2011). Demographic change and ethnically motivated crime: The impact of immigration on anti-Hispanic hate crime in the United States. Journal of Contemporary Criminal Justice, 27(3), 278-298.