



# STAND UP TO HATE



## HATE CRIMES IN WISCONSIN: AN INTRODUCTION

For more than 50 years, our laws have recognized that crimes motivated by bigotry and hatred are particularly harmful to victims, communities, and America as a whole. In 1968, in the wake of the Civil Rights Movement, Congress passed a law making it a federal crime to threaten or attack someone based on their race, color, religion, or national origin. After years of advocacy from communities across the country, Congress later expanded this law to include crimes against people based on disability, gender, sexual orientation, and gender identity.

Wisconsin has long been a leader in hate crime prevention. In the late 1980s, Wisconsin passed a state-level hate crimes law—one of the first to protect lesbian and gay citizens. A few years later, a Wisconsin case led the Supreme Court to determine that it was fair to increase the penalty for a crime if it was motivated by hate.

In 2022, President Biden launched the United We Stand initiative at the White House to coordinate efforts to combat hate crimes and hate-motivated violence.

Reported Hate Crimes in Wisconsin - 2012-2022	
Race/Ethnicity	371
Religion	113
Sexual Orientation or Gender Identity	150
Disability	23
Gender	17
Multiple Biases	9

It is important to remember that hate crime statistics only reflect those crimes that are reported. These are just a fraction of the hate crimes that happen.

### What do hate crime prevention policies do?

- Provide training for law enforcement to recognize, prevent, and prosecute hate crimes.
- Give federal law enforcement the power to intervene if local police do not take hate crimes seriously.
- Require law enforcement to collect data and report to the public where, when, and against whom hate crimes happen.
- Give tools to law enforcement to monitor and investigate hate groups that threaten violence.
- Increase penalties for the perpetrators of crimes motivated by hate.

*"When ordinary Americans cannot participate in the basic activities of everyday life without the fear of being targeted and killed for who they are, our democracy—and the very fabric of our society—is at risk."*

—The White House on United We Stand



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## HATE CRIMES IN HISTORY: GEORGE MARSHALL CLARK

James P. Shelton and George Marshall Clark were among the few African Americans to make Milwaukee their new home in the 1850s. On Friday evening, September 6, 1861, Shelton and Clark were walking along Milwaukee Street just south of the corner at Michigan Street when they came upon Darby Carney and his friend John Brady, a farmer from Muskego. Carney operated the Emmett House, a saloon popular with the Third Ward’s Irish. He also was a noted troublemaker and fighter with a hair-trigger temper.

A fight ensued during which Shelton pulled a knife and slashed Carney across his abdomen and stabbed Brady in the shoulder. Accounts of the cause of the altercation vary. One indicates Shelton and Clark were escorting two white women. Another alleges Shelton and Clark came upon two white women and made some insulting remarks to which Darby and Brady took offense; however, subsequent descriptions—including those by Brady and Carney themselves—do not mention any women involved. But it was clear the men had been drinking. Police eventually found and arrested both Clark and Shelton in the early morning hours of September 7 and brought them to the county jail.

Later that night while Carney was being treated for his wounds, a crowd gathered outside his house and made plans that if Carney died, they would march to the jail and remove Shelton and Clark. A fire alarm would be the signal. Policeman John McCarty was there and overheard the plan. He warned some of them not to go through with it. Nevertheless, after Carney died, word of his demise spread rapidly, and soon the ringing bell at Engine House No. 6 on Detroit Street (now E. St. Paul) alerted angry onlookers to act on the plan. Others reinforced the procession as it moved toward the courthouse until the crowd numbered as many as 300.

Police Chief William Beck saw the group approach the jail at 12:30 a.m.; he ordered William Kendrick, the jailor, to lock Clark and Shelton in a large room in the back and then lock the door leading to the cells. Beck went outside to confront the mob. One of the leaders, John McCormick, told the chief they had come for the two prisoners, but Beck refused to turn them over. The crowd erupted, and someone grabbed Beck, pushing him aside. A flying object struck Beck in the head and knocked him senseless. The crowd poured into the jail.

The crowd seized Clark, beat him severely, grabbed his arms and legs, and carried him into the hall. With the mob focused on Clark, Shelton escaped out the back door. The crowd moved in fits and spurts as it dragged the unfortunate Clark down Jackson Street, debating all the while whether they had the right man. Some threatened to hang him regardless; others argued that they should take Clark to Engine House No. 6 and keep him until the next day.

As the crowd moved along Huron, some of Clark’s captors repeatedly kicked and punched him. One hit him on the head with a club. They took him to a pile driver at the foot of Buffalo Street between Main (now Broadway) and Water streets. The rope was tossed over a cross piece, and four men pulled Clark into the air. As the crowd thinned, some suggested they let Clark hang until morning. Around 2:30 a.m., two policemen cut Clark down and took his body to the police station.

This prevailing attitude and Clark’s death had a chilling effect on Milwaukee’s Black community, and out of fear of the mob, many decided to leave.

**Why was George Marshall Clark arrested and eventually killed?**

**Why did this fight begin? Why does it matter that one of the white men was a “noted troublemaker and fighter?”**

**Who was harmed by the murder of Clark?**

**Who killed Clark? Who was responsible for his death?**

**Did local law enforcement do enough to protect Clark?**

Adapted from “The Lynching of George Marshall Clark” by Kevin Abing  
<https://www.milwaukeeindependent.com/articles/lynching-george-marshall-clark-milwaukee/>



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## HATE CRIMES LAWS: AN INTRODUCTION

- **1968 – Civil Rights Act:** Allows federal law enforcement to investigate and prosecute violent crimes motivated by someone’s race, color, religion, or national origin, when that crime is preventing someone from attending school, using a public facility, applying for a job, voting, or serving on a jury.
- **1988 – Wisconsin Hate Crimes Law:** Wisconsin passes a state law that allows for increased penalties for hate crimes based on a victim’s race, ethnicity, religion, or sexual orientation. It is one of the first states to include sexual orientation in its hate crimes laws.
- **1990 – Hate Crimes Statistics Act:** Requires the FBI to collect and publish data from state and local law enforcement on crimes motivated by prejudice against someone’s race, religion, sexual orientation, or ethnicity.
- **1993 – Wisconsin vs. Mitchell:** The U.S. Supreme Court rules that increased penalties for hate crimes do not violate First Amendment protections for freedom of speech and belief. The case is based on the attack of a white man by a Black man in Kenosha, Wisconsin.
- **1994 – Expanding protection to people with disabilities:** Expanded to include crimes motivated by bias against people with disabilities.
- **2009 – Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act:** Expands the definition of a hate crime. Adds real or perceived gender, gender identity, and sexual orientation to the definition. Gives federal law enforcement greater flexibility to investigate hate crimes.
- **2015 – Expanding definition of religious hate crimes:** FBI now includes data on crimes against Sikhs, Hindus, Arabs, Mormons, Jehovah’s Witnesses, and Eastern Orthodox people.
- **2021 – COVID-19 Hate Crimes Act:** Passed after the rise in hate crimes against Asian Americans during the COVID-19 Pandemic, this law increases federal training for state and local prevention of hate crimes.
- **2022 – Emmett Till Anti-Lynching Act:** Passed nearly 70 years after the murder of Emmett Till, a 14-year-old Black boy in Mississippi, this law defined lynching as a federal hate crime and increased the potential sentence for committing several hate crimes.