

From Rep. Arbit

Michigan AG says state law on hate crimes is "outdated"

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Courtesy MSU

MSU Library where the attack, which MSUPD says is investigating as a hate crime, took place

Ryon Baldwin-Williams and Bradley Cooper began dating the first week on campus as Michigan State University freshman. "Must have been the second or third day of Freshman year," Cooper and Baldwin-Williams said, completing each other's sentences.

The two men were planning on studying together at the campus library April 15. Instead, they became victims of what MSU Police say was an aggravated assault based on their sexual orientation. during the university's annual Pride Month.

Cooper, an apparel and textile design junior, says he felt something was amiss when seven young people began jeering at him as he entered the library.

"They walked towards us and they made a comment on my shirt— 'you shouldn't be wearing that tight-ass shirt,'" Cooper said.

Once in the study room, the couple was met with loud bangs at the door, which they noted has no locks. MSU is a public university and it's main library is open to visitors who are not students or faculty.

Cooper and Baldwin-Williams said they tried to hold the door shut but were soon overpowered.

"[one of them] hit me in the face and then like as I was walking out to defend myself another guy, he hit me in the face too. And so that's when Ryon ran out right after me and that's when the whole bunch of seven people just jumped us," Cooper recalled.

Baldwin-Williams, a computer science junior, said one of the assailants was wearing a heavy ring.

"I have a swollen black eye and I had to get stitches right above it. I was pouring blood during everything. I had to get a splint on my finger because there's a fracture on the top of my finger... we spent almost nine hours in the emergency room," Baldwin-Williams said.

The beating left the back of Cooper's head covered in blood and both men were bruised on their neck and eyes. MSU Police and EMTs arrived on the scene after the incident.

Cooper and Baldwin-Williams said their injuries will require additional medical attention but have held off on seeking medical care for fear of costs stacking up. MSU said they have reached out to offer assistance with the medical bills.

Four hours after the assaults, MSU Police released a Clery notification stating a hate crime and aggravated assault were reported on campus. The seven assailants have since been identified by police. They say none are MSU students. The Ingham County Prosecutor will now make a decision on what, if any, criminal charges to file.

Cooper and Baldwin-Williams said they were shocked to learn that no matter the official findings of the case, or how "tough on crime" the prosecutor's office may be, the assailants will not be charged with a hate crime under Michigan law.

Under Michigan's Ethnic Intimidation Act, sexual orientation is not mentioned. Current law protects people from intimidation or harassment based on "race, skin color, religion, gender and natural origin". Though MSUPD is investigating the crime as a hate crime, the school confirmed that once the case goes before the prosecutor, it would be out of their hands.

"It just doesn't make any sense. They only targeted us because we're gay," Cooper said. "It was only because of what I was wearing... that's 100% a hate crime. And, no one, no one can convince me otherwise. That's why it's upsetting that that wouldn't be charged that way."

"Hearing that there's not any protection, it's kind of scary. There's no way this happens and they don't count," Baldwin-Williams said.

In an email statement to WKAR, the Michigan Attorney General's office called the state's Ethnic Intimidation Act "outdated."

"Michigan's outdated ethnic intimidation statute does not expressly offer protected class status based on sexual orientation or gender expression for hate and bias crime enforcement. Attorney General Nessel has staunchly supported legislation this legislative term to amend this statute, which has not once been updated since becoming law in 1988," the statement read.

Both the Michigan House and Senate have passed legislation that would criminalize intimidating, threatening or harassing a person due to their actual or perceived gender identity or expression, physical or mental disability, and sexual orientation.

Cooper and Baldwin-Williams said they are recovering from the assault and will continue expressing themselves as openly gay men.

“Right after that all happened, I was like well, I'm never wearing this shirt again but if people don't like it, they're going to have to deal with it. I'm never going to allow what others say about my appearance affect me. I'm always just going to end up doing me, keep looking how I want to look,” Cooper said.

Baldwin-Williams says he is apprehensive of this incident defining how he is perceived by others. “When you search [my name] up, articles are gonna come up and I don't want people to just see an incident and assign that to me. I want them to say ‘Yeah this happened to him, but he's still doing all these other things on campus.’”

Currently there are two measures to add sexual orientation to the state hate crime law. House bills 4474-4477 have have advances to the state senate. Senate bills 600 and 601 have advanced to the state house. Both are sitting in committee.