

STRONG MESSAGE OR EMPTY GESTURE?

Federal hate crimes bill reintroduced, with the backing of both of Oregon's senators—but not without controversy by Bob Roehr



Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, at a hearing last July on the Hate Crimes Prevention Act of 1998

The Hate Crimes Prevention Act of 1999 was launched March 11 at a bipartisan Capitol Hill news conference orchestrated by the Human Rights Campaign, a national gay and lesbian political group. (The act was introduced in the U.S. House on March 12 and in the Senate March 15.)

The bill, whose backers include Oregon Sens. Ron Wyden and Gordon Smith, seeks to add gender, sexual orientation and disability to protected classes under current federal law. It is a revival of the hate crimes legislation introduced during the last session of Congress.

The bill would offer legal grounds for federal assistance for investigations of such hate crimes when local authorities request it, or federal intervention when there is reason to believe that local officials are not adequately pursuing such crimes.

"We owe it to the families of [James] Byrd and [Matthew] Shepard and [Billy Jack] Gaither and perhaps others we don't know," said bill co-sponsor Rep. John Conyers of Michigan. He is the ranking Democrat on the House Judiciary Committee.

Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, has scheduled a hearing in April. At the end of a similar proceeding last July, he stated the legislation was too broadly written and could not gain the 60 votes necessary to prevent a filibuster in the Senate.

Vice President Al Gore said via a written statement: "We must send a clear and strong message to all who would commit crimes of hate: It is wrong, it is illegal, and we will catch you and punish you to the full force of our laws."

Federal Bureau of Investigation statistics for 1997 show that anti-gay hate crimes comprised 14 percent of all reported hate crimes. That is up from 8.9 percent in 1991.

Gay and lesbian anti-violence groups maintain the problem is much worse, but they concede the rising numbers at least reflect an increased willingness of both victims and law enforcement to report these incidents and treat them seriously.

"We hope that Congress will have the will and the conscience to do what many state lawmakers this year have failed to do," says Kerry Lobel, executive director of the National Gay and Lesbian Task Force. That is, to address hate crimes "by passing legislation that is of great importance, both symbolically and practically."

Twenty-one states have hate crimes laws that include sexual orientation. Legislatures in Wyoming, Idaho, Oklahoma and Montana have defeated hate crimes measures this year, while the governor of New Mexico has vetoed a measure passed by that state legislature.

Last July, U.S. Deputy Attorney General Eric H. Holder Jr. testified before Hatch's committee in support of the federal hate crimes measure. He said that under existing law, the Justice Department had prosecuted an average of 20 hate crime cases per year during the last two decades, thus expansion would not be a significant drain of resources.

Some point to Holder's statement as demonstrating little need for such federal legislation. Even within the lesbian and gay community there is opposition to hate crimes legislation.

New York City attorney and activist Bill Dobbs of Queer Watch says that the police enforcement environment has changed significantly in the last 15 years since the legal strategy of enacting hate crimes laws was formulated. "We have to rethink this push," he says.

He argues: "Criminal law in this country covers every kind of victim. Discrimination law does not. Why are we focusing on something where we are already protected?"

Dobbs uses the example of New York, where efforts in Albany for a state hate crimes bill are in his eyes "a tragic waste of political capital" that would be better used in trying to repeal the state sodomy statute.

Richard Sincere, president of the libertarian group Gays and Lesbians for Individual Liberty, is opposed to the principal of hate crimes laws. He calls them "feel-good laws whose primary results are thought-control, violating our freedom of speech and of conscience."

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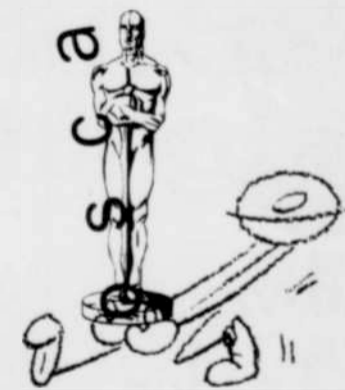
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