

# A HEARTFELT PLEA

Committee hears testimony—including the emotionally charged words of Judy Shepard—regarding federal hate crimes act by Bob Roehr

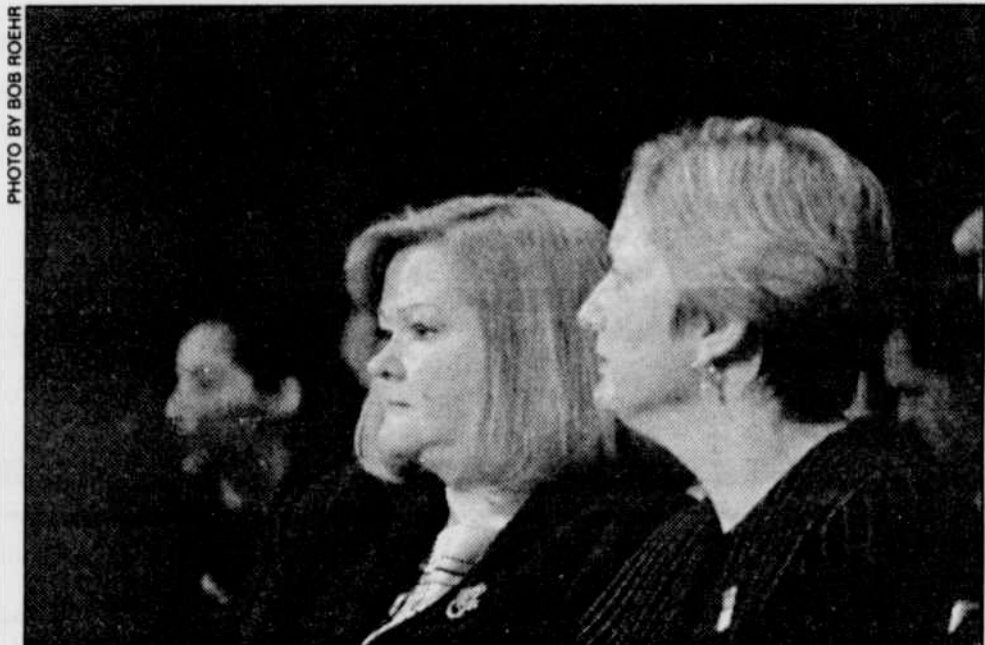
In Matt's room at the hospital, what we found was a motionless, unaware young man with his head swathed in bandages, his face covered with stitches, and tubes everywhere—enabling the body to hold on to life," Judy Shepard told a hushed hearing room. "One of his eyes was partially open. But the twinkle of life wasn't there anymore."

Matthew Shepard's mother offered her powerful testimony during a May 11 hearing regarding the federal Hate Crimes Prevention Act of 1999, which is under consideration by the Senate Judiciary Committee.

The bill, sponsored by Sens. Arlen Specter, R-Pa., and Edward Kennedy, D-Mass., would add disability, gender and sexual orientation to federal civil rights laws and would make it easier for the Justice Department to investigate and prosecute. Current law prohibits crimes based on race, color, religion or national origin.

Eight states have no hate crimes laws. Laws in 21 states cover sexual orientation. Twenty-two state laws include gender, and 21 cover disability.

Chairman Orrin Hatch, R-Utah, spoke of "facts and issues that are at once staggering and difficult." He described the matter as "an intersection



Judy Shepard (left)

between our well-intentioned desire to investigate, prosecute and, hopefully, end these vicious crimes, and our unequivocal duty to respect the constitutional boundaries governing any legislative action we take."

Hatch then asked for additional data on bias crimes, saying it was essential before Congress moves ahead on legislation to broaden existing civil rights laws.

Kennedy had no such qualms.

"Tragically, the silence of Congress on this basic issue has been deafening, and it is unacceptable," he thundered. "We must stop acting like we don't care—that somehow this fundamental issue is just a state and local problem. It isn't. It's a national problem, and for too long, Congress has been AWOL."

Deputy Attorney General Eric Holder testified that current federal law is "simply inadequate" and has halted federal officials from assisting local officials in some cases.

Since the Justice Department has prosecuted an average of six cases per year under existing hate crimes statutes—and does not anticipate that number increasing significantly under the proposed expansion—Hatch suggested the department could request only the power to assist state and local officials in their prosecution of hate crimes.

Holder countered by saying federal authorities want the ability to act independently "when state and local authorities are unwilling or unable to prosecute a case." When pressed, he was unable to cite examples of this happening, but promised to respond in writing.

"Let me ask you about the inclusion of gender," said Hatch. "Rapists are very seldom indif-

ferent to the gender of their victims." Would rape then become a federal crime?

"Not all rape cases would be brought in federal court," said Holder. He compared it to existing gun and drug laws where there is overlapping jurisdiction. In such cases, local and federal authorities consult to decide where charges will be filed.

Specter, meanwhile, called hate crimes "really hot potatoes" that local prosecutors may be reluctant to handle.

New York Republican Jeanine Ferris Pirro, Westchester County's district attorney, testified she was concerned about the expansion of federal jurisdiction.

She forcefully stated, however, that "hate crime is a civil rights issue, and the proper role of the federal government in controlling this

menace should mirror federal action in other areas of civil rights."

She added: "In the 1960's, there were states unwilling to guarantee equal rights to all Americans. Citizens across our nation responded by raising their voices in a cry for justice.... Eventually, our government declared that civil rights cannot be allowed to fall prey to bigotry and intolerance. Senators, today we are still marching."

Kenneth Brown is one of only three prosecuting attorneys for Albany County, Wyo., where trials are underway related to the murder last year of Matthew Shepard, a gay college student. "A case of this magnitude and import puts a financial strain on our county like nothing else we've experienced," he testified.

Bill opponents included Robert Knight of the Family Research Council.

"The whole concept of hate crimes is flawed because it sets up special classes of victims afforded a higher level of protection than others victimized by similar crimes," Knight said. "Run-of-the-mill crime victims do not have a lobby."

But Judy Shepard pleaded for the bill's immediate passage.

"I can assure opponents of this legislation, first hand, it was not words or thoughts, but violent actions that killed my son," she said, adding that, had such a law been in place at the time of her son's death, "perhaps these murderers would have gotten the message that this country does not tolerate hate-motivated violence. Maybe I would not have to be here today, talking about how my son was savagely beaten, tied to a fence and left to die in freezing temperatures."

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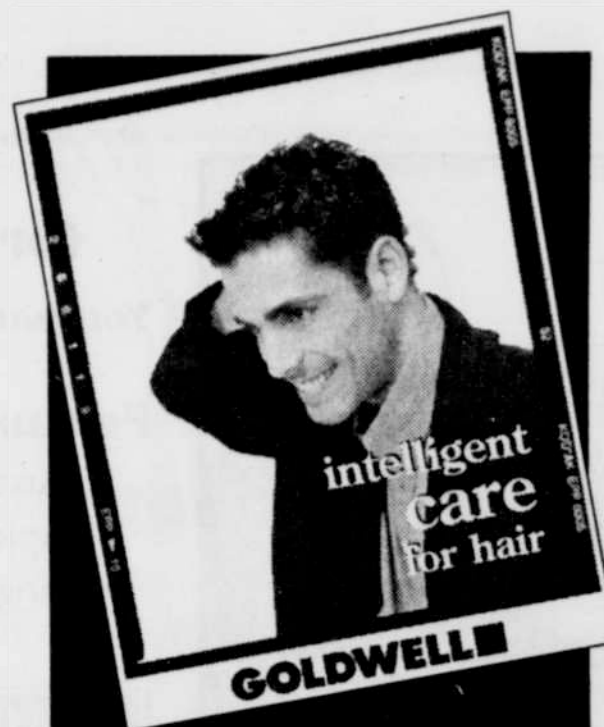
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