

The U.S. Senate passed hate crimes legislation June 15 by an overwhelming bipartisan vote of 65-33.

The Local Law Enforcement Enhancement Act adds real or perceived sexual orientation, gender and disability to federal hate crime laws, allowing the federal government the ability to provide assistance for the investigation and prosecution of hate crimes based on these categories. U.S. Sens. Gordon Smith, R-Ore.; Edward Kennedy, D-Mass.; and Arlen Specter, R-Pa., were the lead co-sponsors.

The legislation passed as an amendment to the National Defense Authorization Act for fiscal year 2005. It is endorsed by more than 175 law enforcement, civil rights, civic and religious organizations, including the National Sheriffs' Association, International Association of Chiefs of Police, U.S. Conference of Mayors, Federal Law Enforcement Officers Association.

"Law enforcement organizations are urging passage of this bill, and today the Senate delivered again," said Cheryl Jacques, Human Rights Campaign president. "It is time for the Congress to finally honor the memory of Matthew Shepard, Barry Winchell, Alan Schindler, Fred Martinez and so many others by passing this legislation."

Since 1969, a U.S. statute has permitted federal prosecution of hate crimes motivated by race, religion, national origin or color, if the vic-

LOVE VS. HATE

HRC warns senators that supporting a hate crimes bill doesn't give them license to amend the U.S. Constitution by Jim Radosta

tim was engaging in one of six "federally protected" activities. Smith and Kennedy introduced the legislation in 1999 to broaden federal jurisdiction to include hate crimes that cause death or bodily injury and add sexual orientation, gender and disability to the covered categories.

The most recent FBI data indicate 16.7 percent of reported hate crime incidents in 2002 were committed because of bias against the victim's perceived sexual orientation—the highest level in the 12 years since the agency began collecting these statistics. Sexual orientation bias represents the third-highest category reported.

"I believe that the moral imperative that underpins hate crimes legislation is simply this, and it comes from sacred writ, that when people are being stoned in the public square, we ought to come to their rescue," Smith said on the Senate

floor. "The federal government should be able to come to the aid of those who have been wronged, but under current statute the federal government

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—Cheryl Jacques



U.S. Sen. Gordon Smith, R-Ore., opposes anti-gay hate crimes but supports the anti-gay Federal Marriage Amendment

cannot. What Sen. Kennedy and I propose to do would change that and change it for the good."

The act has already passed the Senate in earlier forms on two different occasions—most recently in June 2000 as an amendment to the Defense Department authorization bill by a vote of 57-42, with 13 Republicans. In September 2000 the House also passed a motion to instruct in support of the measure, 232-192, with 41

Republicans. The Senate also passed the legislation in July 1999 as an amendment to the Commerce, Justice, State appropriations bill. Each time it was stripped out in conference committee.

The Defense Department authorization bill must now be passed by the Senate before going to conference committee to resolve the differences between the Senate and House versions of the bill. "We hope it will survive the conference on the defense bill and that President Bush will sign it into law," Jacques said.

With a Senate vote on the Federal Marriage Amendment expected in mid-July, Jacques warned politicians that one pro-gay vote doesn't justify writing discrimination into the U.S. Constitution. Smith has expressed his support of the marriage ban.

"For those who will try to use the vote on hate crimes for some political inoculation on the FMA, it is clear the American people do not want the U.S. Constitution undermined with this discriminatory and unnecessary amendment," Jacques said. "Nothing Congress or the president does on any other issue will change that fact."

Although the hate crimes bill doesn't explicitly mention trans people, Jacques said legal experts have interpreted it as covering gender identity. The National Transgender Advocacy Coalition disagreed, scolding HRC for continuing "to mislead the public about its scope."

"In light of the amount of crimes that are committed each year against trans people that result in death, the fact [that] the language 'gender identity or inclusion' is not in the bill continues to send the message that it's OK to hate us and to kill us," said board member Ethan St. Pierre, a trans man whose aunt Debra Forte was killed in an anti-trans hate crime. "It's a slap in the face. It's like saying that [my aunt's] life didn't matter." □

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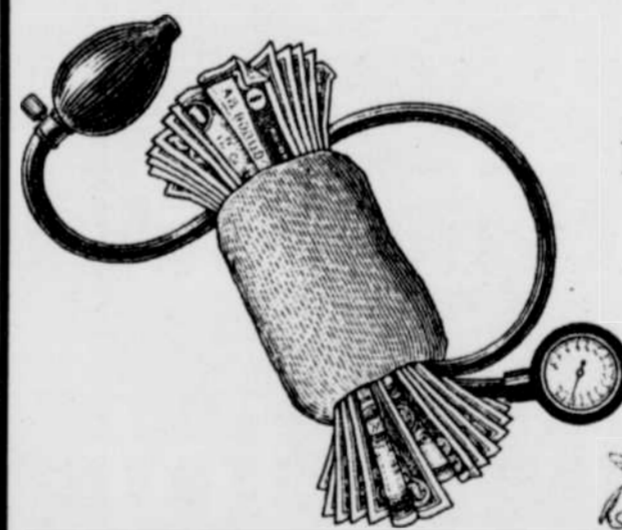


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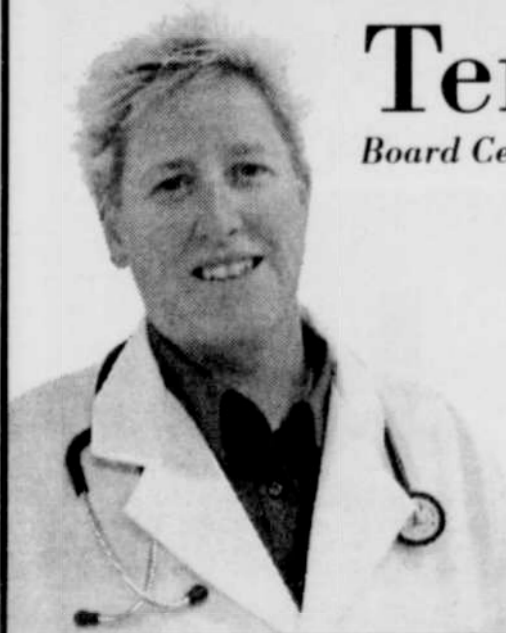
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