



Now, a Retreat on Hate Crimes

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In a sign that the LGBT community may again have to trim its sails regarding its Capitol Hill agenda - even with the Democrats in charge - a House-Senate conference committee has rejected the inclusion of hate crimes provisions, entitled the Matthew Shepard Hate Crimes Act, in the Department of Defense Authorization bill working its way toward passage.

The decision, announced December 6, means that the Senate, which passed the Defense bill including the hate crimes measure in September by a 60-39 margin, must again take action separately on the Matthew Shepard Act.

The House passed its version of the hate crimes measure in May as a stand-alone bill.

The roadblock came a month after the House passed the Employment Non-Discrimination Act, providing job protections based on sexual orientation, but failing to do the same regarding gender identity. The decision to jettison transgender protections stirred a political storm that pitted Barney Frank, the out gay Massachusetts Democrat who was ENDA's lead sponsor, and the Human Rights Campaign against roughly 350 LGBT groups nationwide demanding that Congress not act unless it could pass a fully-inclusive bill. The Senate has not yet taken up the measure.

Last week's reversal emerged when House leadership concluded that Republicans opposed to including hate crimes in a Defense spending bill and anti-war Democrats unwilling to give President George W. Bush further leash on the Iraq war would defeat the effort to win approval of a conference committee agreement to keep the Matthew Shepard language. For now, House and Senate hate crimes bill advocates are playing a blame game.

"We are deeply disappointed that that the House has decided not even to have a vote on the Conference Report on the Defense bill if it contains the hate crimes provision," said Senators Ted Kennedy, the Massachusetts Democrat who is lead sponsor on the Matthew Shepard Act, and Carl Levin, the Democratic Armed Services chairman from Michigan, in a written statement.

In contrast, House Speaker Nancy Pelosi, a San Francisco Democrat, released a statement saying, "House Democratic leaders will work with our Senate colleagues to make certain that a hate crimes bill passes the Senate and goes to the president's desk."

Despite an assurance from Kennedy and Levin that "we're committed to get this enacted, neither Kennedy nor Pelosi's office returned calls requesting comment on specific next steps.

Patrick Sammon, president of the Log Cabin Republicans, a national group for gay members of the GOP, said that the House's "Democratic leadership should take responsibility for what happened," but added that members not willing to vote for a Defense bill with hate crimes provisions "should be ashamed."

The Human Rights Campaign, while expressing "deep disappointment," noted the complicated calculus regarding the war and the hate crimes issues in the House, and lauded congressional advocates of hate crimes legislation in both the House and Senate.

In contrast, Matt Foreman, executive director of the National Gay and Lesbian Task Force, in a written statement, voiced anger, saying, "We'd been assured by congressional leaders that attaching the provisions to the larger [Defense] bill was the only way to avoid a presidential veto." Foreman demanded an immediate straight-up vote in the Senate, arguing that a veto would show "just how subservient this administration is to America's anti-gay industry."

Judy and Dennis Shepard, parents of the gay Wyoming college student brutally slain in 1998, released a statement saying, "If not here, where? If not now, when?"

Maura Keisling, executive director of the National Center for Transgender Equality, who has been through a bruising few months battling against the ENDA gender identity retreat, nonetheless voiced optimism of sorts that hate crimes progress is still possible.

The Democrats, she said, "cannot possibly go into the November election next year without having done something for the LGBT community. They have been absolutely an abysmal failure at getting things done for us. Well, actually, we collectively as a community have failed, but a lot of us see it as failure the Democratic congressional leadership."