



**National Gay and Lesbian Task Force Action Fund testimony submitted to the  
United States Senate Committee on the Judiciary hearing on  
“The Matthew Shepard Hate Crimes Prevention Act of 2009”**

**June 25, 2009**

**Statement by Rea Carey, Executive Director  
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Mr. Chairman and Members of the Committee,

I thank Chairman Leahy and the committee for holding this hearing on the Matthew Shepard Hate Crimes Prevention Act of 2009, and I thank Attorney General Holder for his testimony in support of this bill. On behalf of the National Gay and Lesbian Task Force Action Fund — the oldest national advocacy organization for the rights of lesbian, gay, bisexual and transgender (LGBT) people — I urge the committee to support this important legislation. It is long overdue.

The Matthew Shepard Hate Crimes Prevention Act is a carefully measured response to the enduring problem of hate crimes based on race, religion, sexual orientation, gender, gender identity and disability. Though racial violence continues to account for more than half of all hate crimes, the LGBT community is victimized at an alarming rate. For more than a decade, crimes against LGBT victims have been the third highest category of hate crime, trailing only race and religion. According to the FBI, 16 percent of the hate crimes documented in 2007 were motivated by sexual orientation bias, and the National Coalition of Anti-Violence Programs counted 29 anti-LGBT murders in 2008 — the highest such number in a decade. While these statistics are startling, it is important to remember that even they fail to accurately reflect the scope of the problem: law enforcement participation in the collection of statistics is voluntary, and each year many incidents go unreported for fear of persecution or embarrassment. In addition, the FBI does not collect data on crimes motivated by gender identity bias. A recent survey conducted by the Task Force and the National Center for Transgender Equality indicates that transgender individuals are often the victims of bias-motivated violence.

Hate violence has been a focus of the Task Force for decades. We began our work on hate crimes in the early-1980's, and our own Anti-Violence Project was instrumental in the enactment of the Hate Crimes Statistics Act of 1990. Sadly, there has been little progress made since then.

Now, finally, our country is on the cusp of recognizing and responding to the reality of hate violence against LGBT people. The first federal hate crimes law was passed in 1968. It is a national embarrassment that bigotry and ignorance have prevented the expansion of that law until now.

Laws embody the values of our nation. By passing this legislation, the Senate has an opportunity to clearly and unequivocally state that America rejects and condemns hate violence against its people. The importance of this statement cannot be overemphasized, particularly in light of the toxic misinformation campaign that has been waged against the bill by its opponents.

Those opponents argue that hate crimes laws punish repugnant but constitutionally protected thought and speech. But this legislation is not about speech; it is about violence. Some also argue that every crime is a hate crime, but this fails to account for one of hate crimes' most vicious aspects: hate crimes send a message of terror to an entire group, pitting community against community, and are therefore unlike most violent acts. For example, the brutal murder of James Byrd, who was chained to the bumper of a truck and dragged down a street in Texas, sent a chilling message to African Americans and strained racial ties across the state. Likewise, LGBT people wonder whether they will be the next Matthew Shepard, the young man for whom this bill is named. In the decade since his death, countless LGBT people have fallen victims to hate violence.

This legislation would strengthen existing federal hate crime laws in two ways. First, the bill would eliminate a serious limitation on federal involvement under existing law — the requirement that a victim of a bias-motivated crime was attacked because he or she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school. Second, the bill would expand the categories included in existing law. Current law, 18 U.S.C. Sec. 245, authorizes federal involvement only in those cases in which the victim was targeted because of race, color, religion or national origin. The Matthew Shepard Hate Crimes Prevention Act would also authorize the Department of Justice to investigate and prosecute certain bias-motivated crimes based on the victim's actual or perceived sexual orientation, gender, gender identity or disability. Current federal law does not provide authority for involvement in these four categories of cases at all.

Those who murder police officers face stiffer penalties than those who murder civilians, and terrorists who target federal buildings face higher penalties than those who do not. In 1999, Congress passed a law that created harsher sanctions for countries that persecute religious freedoms. Such laws do not value some lives more than others. Instead, they send a message that certain crimes fundamentally at odds with this country's core values, such as the freedom to live without persecution, will be punished and deterred by both enhanced penalties and federal involvement in the investigation and prosecution of the crime.

That is the message sent by the Matthew Shepard Hate Crimes Prevention Act, and those are its major effects. The protections provided by this legislation are long overdue. We thank the committee for its consideration of this bill, and we respectfully urge its support.