



## Hate crime bill is back in Congress

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by Anthony Glassman

Washington, D.C.--Hate crime legislation that includes LGBT people was reintroduced in the House of Representatives on March 20, bringing a flood of praise from gay advocacy groups.

Rep. John Conyers, a Democrat from Michigan, and Rep. Mark Kirk, an Illinois Republican, introduced the Local Law Enforcement Hate Crimes Prevention Act of 2007. It would grant agencies the authority to investigate and prosecute crimes based on the victim's sexual orientation, gender, gender identity or disability, whether real or perceived.

Conyers chairs the House Judiciary Committee.

Similar measures have failed in previous sessions of Congress, but the Democratic takeover in November increases the chances for this one, which has over 100 co-sponsors. A Senate version is expected to be introduced in April.

"I applaud Chairman Conyers, the Democratic leadership in Congress and a bipartisan list of more than 100 members of Congress for introducing a critical bill to protect thousands of Americans from hate crimes," Democratic Party chair Howard Dean said in a statement. "This is not a Republican issue or a Democratic issue, it's a human rights issue."

"Hate is not an American value," Dean noted. "While no groups of Americans are immune from hate crimes, one in six attacks are motivated by the victim's sexual orientation, and yet today's federal laws don't include any protections for these Americans."

"It is almost unheard of for a bill to be so unanimously supported both by civil rights and law enforcement communities," said Mara Keisling, executive director of the National Center for Transgender Equality. "It was crafted very carefully to protect free speech and freedom of religion, while also providing assistance to local law enforcement so crimes like these may be fully investigated and prosecuted."

Opponents of this measure and other hate crime legislation put forward two main arguments against it: it will stifle free speech, and all crimes are acts of hatred, so punishing some more severely is unfair.

Tom DeWeese, the president of the far-right think tank American Policy Center, points out in an article that similar legislation has been used in Canada and the United Kingdom to prosecute hate speech.

However, neither country has the constitutional right to freedom of speech that exists in the United States. Censorship laws in Canada are far stricter than in its southern neighbor, and England has long had laws against the disparagement of religion.

Supporters also note that hate crime differs widely from “average” crime in that it is intended to terrorize not just the individual victim, but often the group to which the victim belongs.

After the September 11 attacks, there was an increase in violence against people thought to be of Middle Eastern descent. Shops owned by Middle Easterners and south Asians were vandalized, people were attacked. A truck was driven into a mosque in suburban Cleveland. Those crimes were committed not simply to break a store window or take someone’s wallet, but to send a message to those perceived to be affiliated with the terrorist groups responsible for 9/11.

Similarly, hate crime investigations and prosecutions distinguish between crimes that are randomly committed against someone versus those committed specifically because the victim was of a specific group.

Critics of the legislation also tend to ignore that such laws cut both ways, as do antidiscrimination laws. If someone can be sentenced more harshly for singling out gay men, then a gay man who goes out and attacks heterosexuals could also be tried for a hate crime if he is motivated by bias.

**“At long last, Congress is poised to recognize the reality of hate violence against lesbian, gay, bisexual and transgender people,” National Gay and Lesbian Task Force executive director Matt Foreman said. “It’s a disgrace that bigotry and ignorance have prevented Congress from taking real action to address hate crimes for nearly 20 years.”**

**“Federal laws embody the values of our nation and through this legislation Congress will say clearly and unequivocally that the people of this country reject and condemn all forms of hate violence, including crimes motivated by hatred of lesbian, gay, bisexual and transgender people,” he concluded. “The symbolic importance of this statement cannot be overstated, particularly in light of the venomous disinformation campaign that has been waged against the bill by right-wing forces.”**