



Supporters of Hate-Crimes Language Determined to Find Other Vehicle for It

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By Seth Stern, CQ Staff

Gay rights groups were disappointed but undaunted Thursday by the setback they suffered on the defense authorization bill, vowing to continue their battle for hate-crimes legislation next year.

"We are not giving up on efforts to find another legislative vehicle, in the second half of this Congress," Joe Solmonese, president of the Human Rights Campaign, said in a statement, after a hate-crimes provision was dropped from the final 2008 defense authorization bill.

Proponents of the provision say current statutes do not readily allow federal law enforcement officials to assist the state and local officials who prosecute hate crimes committed against people because of their sexual orientation. The measure would make such crimes stand-alone offenses under federal law.

Andrea Lafferty, executive director of the Traditional Values Coalition, which opposed the hate-crimes language, said the decision was "a victory for our side," although she expects a freestanding hate-crimes bill to appear in the Senate next year.

"This is all about the 2008 election," Lafferty said.

But any new hate-crimes measure — whether it's a freestanding bill or attached to other legislation — faces an almost certain veto from President Bush. The White House said in May that there's no need "to federalize such a potentially large range of violent [crime] enforcement."

David Noble, public policy director for the National Gay and Lesbian Task Force, said a veto might actually help the cause. "The public overwhelmingly supports hate-crime protection," he said. "It would be a plus for Congress to pick it up."

And House Speaker Nancy Pelosi said she is "strongly committed" to passage.

"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," said Pelosi, D-Calif.

But Democrats Edward M. Kennedy of Massachusetts and Carl Levin of Michigan, two of the bill's biggest Senate supporters, did not offer much optimism about its prospects next year.

"We've lost the best opportunity to enact hate-crimes legislation in this Congress," Kennedy and Levin said in a statement.

For gay rights and civil rights groups, the decision to drop the hate-crimes language was a bitter pill. "Of course we're frustrated to come so far only to see the measure stripped out of the final bill," said Christopher E. Anders, senior legislative counsel for the ACLU Washington Legislative Office.

The measure was first introduced in the wake of the brutal murder in 1998 of Matthew Shepard, a 21-year-old gay Wyoming college student.

Since 2000, backers have repeatedly attached the measure to either the House or Senate version of the defense authorization bill, hoping its presence would not be enough to sink a must-pass bill. But each time, the provision has been stripped during conference. This year, House leaders thought inclusion of the hate-crimes measure would torpedo the larger bill in their chamber; although the House passed a stand-alone hate-crimes bill this spring, many liberal Democrats who voted for it were believed to be opposed to the final defense authorization bill.

This year's effort marked the first time that both chambers passed the language in the same year. The House passed its stand-alone version (HR 1592) in May by a 237-180 margin. The Senate added its version (S 1105) to the defense authorization bill by voice vote after a 60-39 cloture vote.

Gay rights groups believe that political momentum may be headed in their direction, which was not the case in 2004, when their aggressive push for gay marriage eventually came to be seen as hurting their Democratic allies.

This time, Democrats control Congress, and advocates can point to evidence of rising hate crimes. According to the FBI, hate crimes based on sexual orientation increased 18 percent from 2005 to 2006, the last full year for which figures are available.

"We're absolutely not going to be quiet," Noble said. "If they couldn't pass it in 2007, then they should pass it in 2008, election year or not."