



July 15, 2009

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the hundreds of thousands of members of People For the American Way, we write in strong support of the Matthew Shepard Hate Crimes Prevention Act of 2009 (S. 909). Accordingly, we strongly support the amendment by Senators Leahy, Collins, Kennedy, and Snowe to add S. 909 to the FY10 Defense Authorization bill (S. 1391), and we support their effort free of weakening amendments. The House overwhelmingly passed similar hate crimes legislation (H.R. 1913) this April with a 249-175 bipartisan majority.

Hate crimes legislation in 110th Congress (H.R.1592) passed by a vote of 237-180 on May 5, 2007. Senator Kennedy's companion bill (S.1105) was referred to the Senate Judiciary Committee and had 43 cosponsors by the time of the amendment vote that September. On September 25, Senators Kennedy and Smith introduced S. 1105 as Amendment 3035 to the FY 2008 Department of Defense authorization bill (H.R. 1585). Two days later, the Senate successfully invoked cloture to close off debate on the amendment. The final vote was 60-39 (60 required). The amendment itself passed by voice vote, but never made it to the President's desk.

The freedom from discrimination that this legislation speaks to is a basic right that all Americans should enjoy. The Leahy/Collins/Kennedy/Snowe amendment recognizes that failing to provide appropriate protections for victims of discrimination because of their disability, sexual orientation, gender, or gender identity is a heinous affront to the American ideal of "equal protection under the law." People For the American Way has joined those urging Congress to expand the current federal law to protect victims of hate crimes based on disability, sexual orientation, gender, or gender identity. In addition, we have advocated extending the protections of present law to **all** hate crimes victims.

The Leahy/Collins/Kennedy/Snowe amendment is desperately needed to strengthen and close loopholes in current law and is supported overwhelmingly by the civil rights community, as well as by religious and law enforcement organizations. As we engage in actions across the world to protect the human rights of all individuals, it is imperative that we continue to protect those same rights of all Americans here at home.

This amendment would strengthen existing federal law in two very important ways. First, it removes the requirement that victims of violent bias-motivated crimes be engaged in a federally protected activity (such as voting) when the crime is committed – thereby making it easier for federal authorities to prosecute or assist local authorities in prosecuting hate crimes. Second, the Leahy/Collins/Kennedy/Snowe amendment expands the definition of hate crimes to include those motivated by the gender, disability, sexual orientation, or gender identity of the victim.

Because the federal government's jurisdiction under the Leahy/Collins/Kennedy/Snowe amendment is limited to the most serious violent crimes, state and local authorities will continue to prosecute most hate crimes – as they do now. However, the amendment provides for important backup where state and local authorities cannot or will not act, and allows federal authorities to assist in local prosecutions to ensure that justice is served. To ensure appropriate restraint at the federal level, the Attorney General or his designee must approve all federal hate crime prosecutions and consult with state and local law enforcement officials before undertaking prosecution against any defendant.

Again, People For the American Way strongly supports the Matthew Shepard Hate Crimes Prevention Act of 2009 (S. 909), and its addition to the FY10 Defense Authorization bill (S. 1391) as the Leahy/Collins/Kennedy/Snowe amendment – without weakening amendments. If you have questions or would like additional information, please contact Terri Schroeder at (202) 577-9952.

Sincerely,



Michael B. Keegan
President



Marge Baker
Executive Vice President for Policy
and Program Planning