

Statement of

The Honorable Patrick Leahy

United States Senator
United States Senate
September 19, 2012

Today's hearing is a continuation of the Committee's work to ensure that all Americans feel safe in their communities and that perpetrators of hate crimes are brought to justice. A few years ago, I offered the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act as an amendment to strengthen the civil rights of all Americans. I was heartened that the current President signed it into law.

Eric Holder had fought for passage of the law for years. As Attorney General he supported its enactment and has successfully implemented the law by leading the Justice Department's effort to train local law enforcement and prosecute violent criminals under its expanded provisions. Last year the Justice Department's Civil Rights Division secured hate crimes convictions against 41 defendants.

All of us deserve to feel safe regardless of who we are, who we love, or what religion we choose to practice. This new law was heralded for expanding hate crimes protections for those who are targeted based on their disability, sex, sexual orientation and gender identity. The Shepard-Byrd Act responded to law enforcement concerns about the difficulty of bringing criminal prosecutions against those who target their victims based on religion, ethnicity, gender identity or race. For example, during a recent four-year period, FBI reports showed that hate crimes against Latinos had risen 40 percent. And in many circumstances, the previous Federal hate crimes statute could not be used to protect them.

I appreciate the Administration's efforts to educate the Nation about the Shepard-Byrd Act. These comprehensive efforts have been led by the Attorney General's Advisory Committee of U.S. Attorneys. The Advisory Committee represents the voice of the U.S. Attorneys across the country and provides advice and counsel to the Attorney General on policy, management and operational issues affecting the U.S. Attorneys in our states. Leading the effort against hate crimes for the Advisory Committee is Steven Dettelbach, the U.S. Attorney for Northern Ohio. In May 2011, the Department of Justice secured the conviction of defendants in Arkansas who chased a group of Latino men in their car from a gas station and rammed their truck repeatedly into the men's car, causing it to go off the road, crash into a tree and burst into flames. This case was the first prosecution to go to trial under the Shepard-Byrd Act. Last month, it became the first case in which a Federal appeals court upheld the constitutionality of the statute.

The Department of Justice has also engaged local communities and local law enforcement. The Civil Rights Division has held training on the Shepard-Byrd Act in five states, including Wyoming, where Matthew Shepard was murdered. The Division also held training on hate crimes and civil rights issues more broadly in more than 20 states, including Texas, where James Byrd, Jr. was murdered.

We were reminded of the need for these efforts last month when a white supremacist, murdered six and wounded four during worship services at a Sikh temple in Oak Creek, Wisconsin. Wade Page shot Brian Murphy, an Oak Creek police officer who was seeking to tend to victims, 15

times before fatally shooting himself. Fortunately, Lt. Murphy, survived and is recovering. This tragic shooting tore into one of our defining principles-- religious freedom. By targeting a house of worship during services, this extremist sought to terrorize all American Sikhs.

Last month, I joined Senator Feinstein in asking the Justice Department to add a new category for Sikh-Americans on the form used to gather data on hate crimes. The Hate Crimes Statistics Act of 1990, which I supported, requires the Department of Justice to maintain data on crimes based on -- among other things -- religion. The current hate crime incident report form used by law enforcement to collect such data allows officers to denote that a crime was motivated by bias against Jews, Catholics, Protestants, Muslims, and atheists, but not Sikhs. I was pleased to learn this morning that the Department of Justice has announced that they will ask the FBI's Advisory Policy Board -- the board responsible for making these decisions -- to review and consider including additional categories for religious hate crimes, including those against the Sikh community. I commend the Department of Justice for acting quickly.

As President Obama has said: "We must stand against crimes that are meant not only to break bones but to break spirits, not only to inflict harm but instill fear." We took a big step forward three years ago in expanding our Federal hate crimes laws. I thank the Chairman of the Constitution, Civil Rights and Human Rights Subcommittee, Senator Durbin, for holding this hearing. I thank the witnesses for being here today and look forward to their testimony.

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