

“The Matthew Shepard Hate Crimes Prevention Act of 2009”
June 25, 2009

SENATE JUDICIARY COMMITTEE

Statement of Senator Kyl

Less than two weeks ago, we received a letter from the United States Commission on Civil Rights strongly urging us to vote against the proposed Matthew Shepard Hate Crimes Prevention Act (S. 909).¹ The Commission states that the bill that is the subject of today’s hearing “will do little good and a great deal of harm.” Those are very strong words from the federal body charged with investigating, reporting on, and making recommendations related to civil rights issues.

The Commission’s letter details a number of specific concerns, including that the bill would permit federal authorities to re-prosecute defendants who have been previously acquitted by state juries—a result that it describes as contrary to the spirit of the Double Jeopardy Clause of the Constitution. It is no secret that I have also raised concerns when hate crimes legislation has been considered in the past. Like the Commission, I believe that hate crimes legislation poses significant constitutional problems and risks undermining important principles of federalism. I look forward to hearing what our witnesses today have to say about the issues raised by the Commission’s letter.

¹ Letter from the United States Commission on Civil Rights to Members of the United States Senate (June 16, 2009).