

Human Rights Campaign

to furlough five law enforcement employees to bring the case.

Finally, passage of a federal law would result in greater public education and awareness, increased reporting of hate crimes, improved reporting under the Hate Crimes Statistics Act and a clearer demonstration of the federal government's resolve to deal with violence based on prejudice. Passage of the act would put would-be perpetrators on notice that our society does not tolerate these kinds of criminal actions. And if only one of them hears the message, lives could be saved.

[\[Back to Questions\]](#)

8. The men who killed Matthew Shepard and James Byrd Jr. were punished severely — why do we need another federal law?

Murder cases will always take high priority for law enforcement. Not every case has the same fact patterns or amount of forensic evidence as the Byrd and Shepard cases. Often, state and local law enforcement need to call on the resources of the Justice Department or FBI to help with the investigation and prosecution of the case.

Multiple jurisdiction allows local law enforcement officials to apply for grants and other financial assistance from the federal government. In the Byrd case, local law enforcement officials in Jasper, Texas, were able to apply for and receive \$284,000 in Byrne grants — a Bureau of Justice Assistance program set up to help control violent crime. However, because the Shepard case was a hate crime based on sexual orientation, Laramie, Wyo., could not receive the same federal assistance and had to furlough five law enforcement employees to be able to afford to bring the case forward.

Passage of a federal law would result in increased public education and awareness, increased reporting of hate crimes, increased reporting under the Hate Crimes Statistics Act and a clear demonstration of the federal government's resolve to deal with violence based on prejudice. Passage of the act would put would-be perpetrators on notice that the country does not tolerate these kinds of criminal actions. If only one of these perpetrators hears this message, lives could be saved.

[\[Back to Questions\]](#)

9. Is the Local Law Enforcement Enhancement Act constitutional?

LLEEA is fully consistent with established constitutional law, including First Amendment precedent and the *Lopez* decision. The act itself and the existing federal criminal civil rights statute that the act amends, 18 U.S.C. §245, *only* apply to acts of violence, not speech. The existing statute has been upheld under the Commerce Clause, Section 5 of the Fourteenth Amendment, and the Thirteenth Amendment. Because LLEEA *requires* a direct link to interstate commerce before the federal government can prosecute a hate crime based on sexual orientation, gender or disability, it is fully consistent with the Supreme Court's decision in *United States v. Lopez*.

[\[Back to Questions\]](#)

10. In light of the Supreme Court's recent decision in *United States v. Morrison*, does Congress have the constitutional authority to enact the revised hate crimes measure?

LLEEA has been carefully drafted to assure its constitutionality under current Supreme Court precedent. The recent Supreme Court decision in *United States v. Morrison*, which invalidated the civil rights remedy provided by the Violence Against Women Act (VAWA), has caused some people to express concerns regarding the constitutionality of LLEEA's addition of "sexual orientation, gender and disability" to existing law. But the legislation was re-examined in light of the court's decision, and based on conversations with Department of Justice officials, congressional allies and constitutional scholars, we are confident that LLEEA would stand up to constitutional scrutiny.