



Statement of the National Coalition of Anti-Violence Programs by Rebecca Waggoner-Kloek and Sharon Stapel.

This month the United States Senate and House of Representatives come together to reconcile each house's hate crimes legislation. In July, the Senate voted to include an amendment by Senator Sessions which would allow the death penalty to be sought in hate crimes prosecution, eviscerating the true meaning of the bill. This is a clear attempt by the right wing to undermine legislation that would offer equal protection under current law to lesbian, gay, bisexual and transgender (LGBT) people in the United States. It is puzzling and disappointing to see the Senators who would support legislation protecting LGBT people from hate violence adopt an amendment that would subject anyone to the death penalty. The National Coalition of Anti-Violence Programs cannot, and will not, support the Hate Crimes legislation in this form.

Hate crimes are meant to send a message of fear not only to the individuals targeted but also to the communities to which the individual belongs. The hate crimes legislation, or the Matthew Shepard Act, is legislation that would extend equal protection against hate violence to people throughout the country who are attacked because of their gender identity or sexual orientation. LGBT people have been cast as second class citizens by the federal government for too long. By refusing to extend equal protection to our relationships, our employment opportunities or our right to openly serve in the military, the federal government has contributed to the culture of hate against LGBT people. We believe that inclusion of lesbian, gay, bisexual and transgender people in national anti-violence policy would begin to send a message that it is unacceptable to hate someone because of their sexual orientation or gender identity. However, even as we support the equal treatment of LGBT people, NCAVP remains opposed to the enhanced penalties that the current hate crimes law includes because they have not been shown to be preventative, because of racism and classism in the criminal justice system resulting in inequities in treatment by law enforcement and in sentencing, and because homophobic/transphobic targeting of LGBT people by law enforcement often negatively impact the very communities these laws are intended to protect.

The death penalty amendment to the current bill is the most disturbing example of a penalty enhancement and it has no place in this legislation. Capital punishment does nothing to prevent or deter future violence and is itself an act of severe, irreversible state-sanctioned violence. It violates the right to life as established by the Universal Declaration of Human Rights. Studies have shown that the death penalty is a sentence handed down disproportionately to poor people, people of color and other marginalized people

If the federal government believes that the death penalty is necessary to hate violence legislation, as the Senate indicated with their vote accepting the death penalty amendment, then we cannot support this response to hate violence. Instead, we have to look at other ways to address hate violence. We must prioritize public education and training of first responders and law enforcement. We must fund community-based prevention and education initiatives. We must create LGBT anti-violence programs in every state. We must hold the federal government to its obligation to end violence against LGBT people non-violently and to transform a culture of hate to a culture of equality.

We urge both Houses to pass hate crimes legislation that does not include the death penalty to stop the United States from perpetuating the very violence it intends to prevent.

*The National Coalition of Anti-Violence Programs (NCAVP) supports local LGBT organizations in their work to end violence in all its forms against lesbian, gay, bisexual and transgender people and communities. [www.ncavp.org](http://www.ncavp.org). The New York City Anti-Violence Project is a proud member of NCAVP.*