In Obama’s letter to the LGBT community, he identifies hate crimes as an important issue for the community and affirms his commitment to the enactment of the anti-hate crime legislation, the Mathew Shepard and James Byrd Jr. Hate Crimes Prevention Act. Hate crimes are an important issue and problem for American society and an important issue and problem for the various groups in our society that have been victimized by such crimes. One attempt to resolve the problem of crimes motivated by bias towards specific groups has been the enactment of legislation that codifies these types of crimes as hate crimes. According the U.S (WHICH/WHERE) legal code, a hate crime is a ‘criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation.”\*(?) The first hate crimes legislation was enacted in 1969 and in 1994 hate crime legislation was passed that made the penalties for committing hate crimes more severe. The need to create a special class of crimes, hate crimes, and the need to codify more severe punishments for the perpetrators of these crimes is that they are not just crimes against persons, their property, or their immediate families, but that they are crimes against an entire group. And, in fact, a hate crime is a crime against society as a whole, if, as Obama, in his letter states about the U.S., a founding principle of that society is equality, and that society claims to be committed to the belief and practice that none of its citizens should live as second class citizens.

While hate crimes are a significant problem for American society and for the groups identified in the original legislation, hate crimes are even a more serious problem for members of the GLBT community, who were not included in the original hate crime legislation. In the latest statistics on hate crimes, overall hate crimes have decreased as have hate crimes directed at gays and lesbians. According to the latest statistics from the FBI\*, there were 7,789 hate crime offenses in 2009 down from 9,168 in 2008, and of those hate crime offenses in 2009, 1,436 were hate crime offenses based on sexual-orientation bias ranging from anti-male homosexual bias to anti-heterosexual bias (slightly over 1%). This was down from 1,617 in 2008. Gay and lesbian groups and human rights groups monitoring hate crimes believe that there is evidence that these statistics do not accurately reflect the true extent of crimes directed against GLBT. \* A study by the Southern Poverty Law Center supports this view. The study looked at hate crimes during the fourteen year period from 1995 to 2008 and found that members of the LGBT community were more likely to be victims of hate crimes than members of the other groups. The report concludes that LGBT are 2x more likely to be victims of hate crimes than Jews or blacks, 4x more likely to be victims than Muslims, and 14x more likely to be victims of hate crimes than Latinos.

The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act expands the scope of those protected under anti-hate crimes legislation to gender, sexual identity and disability. It is named after Matthew Shepard, a gay college student, who was tortured and murdered in Wyoming and James A. Byrd Jr., a black male from Texas, who was dragged to death. Early in his administration, Obama fulfilled his commitment to the LGBT community by signing the Act into law. Not only does the legislation expand the groups covered by anti-hate crimes law but it also expands the authority of the Attorney General in relation to certifying a crime as a hate crime. And it provides “technical, forensic, prosecutorial and any other forms of investigative assistance,” as well as providing grants to the states to help with the investigation and the prosecution of hate crimes. It gives the Federal government the authority to prosecute hate crimes when it believes that states have failed to do so.\*(SUMMARY of LAW?) The Obama administration’s Department of Justice Civil Rights Division has increased hate crimes prosecution significantly compared to the Bush administration. Its record for prosecuting hate crimes committed against members of the GLBT community is \_\_\_\_\_\_\_\_. (#)

An article written in the Daily Kos in July 2010 illustrated the difficulty that the LGBT community faces in regard to the enforcement of anti-hate crime laws. The Kos article refers to the story in the Augusta Chronicle about an assault by two Marines on a local resident. According to the story, Kieren Daly was walking home when he was attacked by two Marines. The Marines said that they were just trying to get away from a gay man who they claimed had been harassing them. The justification for the assault, according to Daly, was that the Marines said he I had “winked” at them. The two Marines were easily apprehended by the police, but the assault was not prosecuted as a hate crime by the local D.A. nor was it designated a hate crime by the Justice Department. Both claimed that there was “no merit” to the case being designated and tried as a hate crime even though the Marines admitted identifying the victim as gay and claiming that he was “coming on to them by winking at them.” Further the DA claimed that for a crime to be considered a hate crime it had to be a felony\* and there has to be “proof of sustained injury.” This was not the case, according to the DA, “Daly only suffered a punch.” Actually, according to the Augusta Chronicle,

The officer rushed to the intersection and found 26-year-old Kieran Daly **unconscious, with friends performing emergency first aid**, a report stated.   
[...]   
Daly said after his friends **performed cardio-pulmonary resuscitation at the scene**, he was taken to Memorial University Medical Center and **diagnosed with bruises to his brain**. He had **two seizures immediately after the attack** and was **expected to remain at Memorial for the next few days for observation**.

Under the Mathew Shepard Act, the offense was clearly a hate crime offense, and the state of Georgia has no state anti-hate crime law, so this was clearly the jurisdiction of the Justice Department, and it was exactly the type of offense for which the Act was intended. The DaIly Kos concluded:

While far too many people die from hate crime violence, murders constitute a very small number of the total number of hate crimes committed each year. There are far more simple and aggravated assaults, incidents of intimidation and acts of theft, burglary, arson and vandalism against property. In those cases, it was the intent of the hate crimes act to elevate such bias motivated offenses to the level of felonies and mete out more serious sentences to such offenders. Instead, the two Marines in this case will, if convicted, only have misdemeanor convictions.

None unrelated to the issue of hate crimes is the issue of school bullying of LGBT students. This issue became a part of public consciousness and public debate when four GLBT-identified students took their lives in September of 2010. “Among them was Sean Walsh, a 13-year-old-middle school student in Tehachapi, Calif., who was on life support for nine days after hanging himself after being the victim of relentless bullying.”\* While the suicides of four students in the same month may be unusual, at least the public recognition of it, it reflects a more widespread problem. According the California Educator, “The suicide rate of GLBT students continues to be three to four times higher than that of their straight counterparts.” The 2009 National School Climate Survey, a survey done by the Gay, Lesbian and Straight Education Network of 7,621 middle and high-school students, shows that school bullying is a wide ranging social phenomenon and that there are serious consequences for the victims. According to the survey, 85% of LGBT students reported being verbally harassed, 40% reported being physically harassed, and 19% reported being physically assaulted. The consequences, not unexpectedly, are extremely serious. “Nearly two-thirds (61.1%) of the GLBT students reported that they felt unsafe at school,” “increased levels of victimization were related to increased levels of depression and anxiety and decreased levels of self-esteem,” the students who were more frequently harassed had lower grade averages than those less frequently harassed, and “coming out at school was related to higher levels of victimization.”\*

President Obama, saying he was emotionally moved by the suicides of LGBT students, held a conference in the White House on March 10th 2011. The conference was “dedicated to discussing bullying prevention and sharing ideas and strategies for combating the crisis.” The emphasis of the conference was on what individuals could do, as Obama said, “As parents and students, as teachers and members of the community, we can take steps-all of us-to help prevent bullying and create a climate in our schools in which all of our children can feel safe; a climate in which they all can feel like they belong.” Obama, himself, made a you tube film for Dan Savage’s “It Gets Better”(?) program.

What was absent, however, from the conference was the leadership that Obama promised in his letter. Obama never mentioned in his remarks, nor were there workshops that addressed, federal legislation directed at stopping school bullying of GLBT students. And at no point in the conference did he or anyone from the administration focus on what the Obama administration and the federal government could do. In fact two legislative acts have been introduced already. They are the Safe Schools Improvement Act (SSIA) and the School Non-Discrimination Act(SNDA). “The SSIA would amend the Safe and Drug-Free Schools and Communities Act to include bullying- and harassment-prevention programs, including ones based on sexual orientation or gender identity. The SNDA, modeled after Title IX, would add sexual orientation and gender identity to federal education nondiscrimination law.” The Obama administration has claimed to support the legislation but so far has “failed to endorse either bill and have rarely even mentioned the bills except in response to specific questions about them.” The typical response is that the administration looks forward to addressing the issue when the Elementary and Secondary Education Act is being considered next year. Conferences, photo ops, videos, and a “stop bullying” website are much less than could be done either through legislation and/or the “bully pulpit.)

(from “Awaiting Endorsement”, The Metro Weekly, Chris Geidner, March 16,2011.