

**Keynote Address of Matt Nosanchuk**  
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**Central District of Illinois Hate Crimes Summit**  
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Thank you so much for having me here today to participate at today's hate crimes summit. I want to thank United States Attorney, Jim Lewis, who had the vision for this conference, and the commitment to making it a success. I also want to thank Attorney General Lisa Madigan. The Civil Rights Division had the opportunity to partner with the Illinois Attorney General and her staff in planning and presenting a similar conference in Chicago in September, and it is terrific that she was able to come today to Springfield to participate in this one. Attorney General Madigan has been an indispensable partner, not only in our hate crimes work, but also in other important work of the Division, including the recent, historic fair lending settlement with Bank of America.

In the Civil Rights Division, our work is grounded in three basic principles:

- We expand opportunity and access for all people – the opportunity to learn, the opportunity to earn, the opportunity to live where one chooses, and the opportunity to move up the economic ladder, the opportunity to realize one's highest and best use.
- We ensure that the fundamental infrastructure of democracy is in place – by protecting the right to vote, and by ensuring that communities have effective and democratically accountable policing.
- We protect the most vulnerable among us so that they can move out of the shadows and into the sunshine – by ensuring they can live in their communities free from fear of exploitation, discrimination and violence.
- And using its existing authorities, the Civil Rights Division has confronted the pressing civil rights challenges of the day – back in the early 1960s that meant combating the vestiges of Jim Crow throughout the South. Today, there are new challenges, including ensuring that persons with disabilities can be appropriately integrated into their communities rather than institutionalized and the struggle to achieve equality for LGBT individuals.

Among the earliest of our responsibilities in the Civil Rights Division, however, is one that still keeps us far too busy today – hate crimes.

We have seen firsthand the devastating impact of hate crimes – and not only on victims and their families. We understand all too well how acts of bigotry can tear entire communities apart. Hate crimes reflect a cancer of the soul, and remind us in the most vicious way possible that we have not yet achieved the ideal of equal justice for all.

And when it comes to scourge of hate crimes, the more things change, the more they stay the same. Hate-fueled violence continues to plague so many communities across our country. Despite our nation's great progress in advancing civil rights, brutal assaults made more vicious

by racial epithets still occur in big cities and small towns. Crosses are still burned on the lawns of people minding their own business. Mosques, synagogues and churches are still burned. Incidents that belong only in our history books still show up in the pages of our newspapers.

In American today, the statistics remain chilling. According to the Southern Poverty Law Center, there were 1,002 active hate groups across the country in 2010 – up from 932 the group counted in 2009. There were 29 here in Illinois.

The FBI reports that in 2010 there were more than 6,600 hate crime incidents reported nationwide. Comparing year by year there has been an increase in sexual orientation discrimination as well as ethnicity/national origin discrimination. From 2005 to 2010, for example, reported hate crimes against LGBT individuals went up by more than 3.5% as a percentage of the total, from 1,017 incidents to 1,277 incidents. And that is only the hate crimes that were reported.

The facts of these cases are shocking.

Take, for example, the incidents that occurred on Staten Island the night that Barack Obama won the Presidential election. In retaliation for his victory, four men set out in search of African Americans to assault. They drove to a predominantly African American neighborhood and assaulted three people, running into one of them with a car.

There was the man who pleaded guilty recently to firing his shotgun into the home of his neighbors because the neighbors were Hispanic. After the neighbors fled, the man then set their home on fire.

Or take the father and son team in South Carolina who, with a friend, pled guilty to chasing an African American man from a convenience store and threatening him with a *chainsaw*, and then attacking others who tried to help the victim.

Prosecuting hate crimes is a top priority for the President, the Attorney General and the Civil Rights Division. We have ramped up our efforts to prosecute hate crimes, and we have this year topped the number of defendants charged and convicted last year.

These crimes are not restricted to a single region. They continue to afflict people across the nation, from California to Pennsylvania, from Alabama to Alaska.

And they impact different communities.

In 2009, President Obama signed into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. To say this act was long in the making would be an understatement. Working on the Hill before I joined the administration and here at the Justice Department, I was involved in the effort to secure this landmark legislation – and it took more than a decade to get it on the President's desk.

Let me tell you about the two people after whom the Act was named. James Byrd, Jr., whose sisters stood on one side of President Obama when he signed the bill into law, was a 49-year-old African-American man living in Jasper, Texas. On June 7, 1998, he accepted a ride home from three men. Instead of taking him home, they drove him to the remote edge of town where they proceeded to beat him severely, urinated on him, and chained him by the ankles to the back of a pickup truck and then drove the pickup truck for three miles, dragging him to his death. An autopsy found that he was conscious while the murderers drove the truck, until his body hit a culvert and he was decapitated.

The three men responsible for this brutal murder-lynching were well-known white supremacists. One of them, John William King, has several racist tattoos and wrote a letter to another of the defendants, Lawrence Russell Brewer, expressing pride in the crime. Both of them were convicted of murder and sentenced to death. This past September, Brewer was executed by lethal injection and right before his death he told a Houston TV station that he had no regrets and would do it all over again.

Matthew Shepard, whose parents stood next to the President at the bill signing, was a 21-year-old gay man studying at the University of Wyoming in Laramie. On October 6, 1998, he went to a local bar, where he met Russell Henderson and Aaron McKinney. The two men offered Matthew a ride home, but instead of taking him there, they drove him to a remote area outside of town, where he was whipped with the butt of a .357 Magnum, tortured, and tied to a fence and left to die. Some 18 hours later and in a coma, he was discovered by a passer-by. He was taken to a hospital in Fort Collins, Colorado, but because of the severe brain damage and other wounds, doctors were unable to operate, and Matthew remained unconscious and on life support until he died on October 12.

Henderson pled guilty and testified against McKinney, who was tried and convicted for felony-murder. There was evidence that McKinney and Henderson targeted Matthew because he was gay and McKinney even tried to claim the so-called gay panic defense – claiming that he was rendered temporarily insane by an unwanted sexual advance by Shepard. The Shepards decided not to seek the death penalty; both men remain imprisoned for life.

Were it not for Matthew's courageous parents – Judy and Dennis Shepard – who made passage of a federal hate crimes law that covers sexual orientation and gender identity their life's mission during the decade following Matthew's murder, I don't think we'd have a federal hate crimes law. Their courage to stand up for what is just and what is right – in the face of the incomparable loss of a child – is both an inspiration and a reminder to us all that, as President Obama once said, we are the change we have been waiting for.

And while the men responsible for the Byrd and Shepard murders were convicted of murder, none of them were prosecuted for committing a hate crime, because neither state had a hate crimes law at the time the murders occurred. But hate crimes are not like crimes of opportunity, and throughout a democratic and diverse nation like ours, we all must be able to live and work in our communities without fear being attacked because of what we look like, what we believe where we come from, or who we love. And anyone who is depraved enough to commit such

attacks must know that there will be consequences for violently attacking others based on hateful beliefs.

Hate crimes also victimize entire communities, because these senseless attacks, if they can happen to a neighbor, colleague, friend, or family member, can happen again to anyone, which is why it is so important for communities to have confidence that the law enforcement officials who are committed to protecting the community take hate crimes seriously, doing all they can to prevent them from occurring and prosecuting the perpetrators for committing these violent acts when they do.

Prosecuting a case as a hate crime also guards against any revisionist history or collective amnesia. For example, I had the opportunity to partner with the theater company that produced the plays about Laramie, Wyoming in the wake of Matthew's murder – "The Laramie Project" and "The Laramie Project, Ten Years Later." Both plays were based on interviews conducted in Laramie with a range of residents who discussed Matthew and the impact his murder had on the community.

When the theater company returned to Laramie a decade after Matthew's death, they found more than a few residents who asked them why they were dredging up that unpleasant memory and, in any event, Matthew's murder was really just a crime of opportunity committed by a couple of meth addicts who wanted his money. Had there been a hate crimes conviction, it would create a permanent record that Matthew's murder was indisputably a hate crime.

The new law 18 U.S.C. Section 249, enables us to prosecute cases involving hate crimes motivated by race, ethnicity, gender, religion and national origin without having to show that the defendant was engaged in a federally protected activity, which is what is required under the hate crimes statute, 18 U.S.C. Section 245, which was passed shortly after the assassination of the Reverend Martin Luther King, Jr. And the new law now empowers the Justice Department and U.S. Attorneys to prosecute, for the first time, hate crimes committed because of a person's sexual orientation, gender identity or disability.

The law is remarkable not only because of the new protections it provides, but because it marks the first time that the words, "sexual orientation" and "gender identity" appear in the U.S. Code. to protect the civil rights of LGBT individuals.

The responsibility to enforce the new law belongs principally to the Criminal Section of the Civil Rights Division, and we are working closely with the FBI's Civil Rights Unit and U.S. Attorney's offices throughout the nation to inform federal, state and local law enforcement about the law's new provisions. We've held dozens of trainings throughout the country to engage law enforcement and community leaders about the law's provisions, and to ensure that first responders are prepared to effectively investigate hate crimes based on the victim's actual or perceived sexual orientation and gender identity.

In our outreach on the new law, we have been fortunate to have the participation of Matthew Shepard's parents and Sheriff Dave O'Malley, who was the police chief in Laramie at the time of

Matthew's murder and oversaw the investigation. Sheriff Dave has been an especially compelling speaker at these conferences, because he describes his own evolution. Before Matthew's murder, he was a homophobic guy who didn't think there was any such thing as a hate crime. But his experience overseeing the police investigation of the case converted him into a champion for a federal hate crimes law, and he agreed to travel all over the country for us to motivate his colleagues in law enforcement to examine their own biases and take combat hate crimes prevention and enforcement as seriously as he does.

So far, the Division has indicted five cases and convicted seven defendants under the law.

And when it comes to prosecutions, this fall we announced the guilty pleas of the first defendants ever charged under the law. The facts of this case shock the conscience – the defendants took advantage of a young man's mental disability and assaulted him because he is Native American. They took him to their apartment, where they defaced his body with white supremacist and anti-Native American symbols, and used a wire hanger heated on a stove to brand a swastika into his skin. They exploited his disability to try to cover-up their actions, and then lied to law enforcement officials investigating the case.

We will vigorously enforce the law whether the target of hate was a single individual or the targets were the many racial minorities who were among the 2,000 people attending the Martin Luther King, Jr. Unity March this past January in Tacoma, Washington. They were the intended victims of a bomb placed alongside the parade route by Kevin Harpham, a white supremacist. A prototypical lone wolf, there was nothing foreshadowing his planned attack, but through the vigilance of everyday citizens, and close cooperation among federal, state and local law enforcement officials, the plan unraveled and Harpham was brought swiftly to justice on charges that included the Shepard-Byrd law. On December 20, Harpham was sentenced to 32 years in prison and court supervision for the rest of his life.

But the success of the new law will not be measured by the number of federal prosecutions alone. It will also be measured by the existence of collaboration among federal, state and local law enforcement to aid states and localities in prosecuting cases their own hate crimes statutes.

The prosecution of hate crimes must be one element in a broader effort of community engagement and empowerment. And that is why I am here today. We need prevention, intervention and reporting strategies to move communities forward in a meaningful way.

This need for education and prevention was made starkly apparent to me by a case that I mentioned earlier in which a father and son team in South Carolina pleaded guilty to threatening a man with a chainsaw.

Seeing a father pass on his intolerance to his son in this way sends a harsh reminder that, despite all the great progress we have made in civil rights, we still have a long way to go. We have battled these acts of bigotry for too long, and in the 21<sup>st</sup> century, we must focus on eradicating hate from our communities altogether, stopping these acts before they occur.

That is why it is so important to include discussion of bullying and harassment in schools, especially given the succession of tragic suicides by some gay and lesbian students that have occurred. As we often say, today's bullies become tomorrow's hate crimes defendants, and we're doing all that we can to ensure that school districts take reports of bullying and harassment seriously, and train teachers and staff to address bullying and harassment in all its forms.

Working with the Department of Education, we have held school districts responsible if they fail to address bullying, including in cases where lesbian, gay, bisexual and transgender students are targeted for the failure to conform to gender stereotypes. And in our settlement agreements, we have ensured that the participating school districts undertake training and education to promote tolerance and change the school's climate.

Through prevention, we can encourage communities and schools to identify and address bigotry before it becomes fuel for violence. We also need to recognize where new challenges are emerging, and be flexible enough to address these challenge head on.

Those of us working in law enforcement must work together with community leaders to spread tolerance and understanding, and to combat this devastating trend. We must work to eradicate from our communities the kind of ignorance and fear that lead to hateful acts of violence. Of course, when those acts do occur, we must continue to work together to bring justice.

In the case of hate crimes, we cannot bring justice, develop prevention and enforcement strategies, and change a community's climate when we do not know that a hate crime has occurred. That is why reporting hate crimes is a shared responsibility. There are several facets to reporting. It is vitally important that local police department document hate crimes by voluntarily reporting to the FBI, so that the Bureau can include the incidents in the annual report mandated by the Hate Crimes Statistics Act.

There's progress to report here. In the most recent hate crimes statistics report by the FBI, for 2010, almost 15,000 law enforcement agencies throughout the nation reported hate crimes, the largest number in the 20-year history of the FBI's annual hate crimes report. Yet, only 13 percent of the agencies collecting data reported a single hate crime to the FBI, the lowest number to report one or more hate crimes since the 2002 report. This means that there literally were thousands of law enforcement agencies that did not report hate crimes to the FBI, including three agencies in cities with populations of 250,000 or more, and at least 12 agencies in cities with populations from 100,000 to 250,000.

The statewide totals give a sense of the disparities in reporting. In 2010, law enforcement agencies in California reported 1,331 hate crimes, those in New Jersey reported 557 hate crimes, those in Massachusetts reported 360 hate crimes, agencies in Texas reported 202 hate crimes, those in Illinois reported 116, those Georgia reported 19, and those in Wyoming reported 2. We cannot undertake effective prevention or education if we don't understand the scope or nature of hate-motivated attacks.

But law enforcement agencies aren't the only entities with the obligation to report hate crimes. There's another type of reporting that is critical too – the responsibility of individuals and communities to report hate crimes to federal and state law enforcement so that they can be investigated. Victims will be hesitant to report hate crimes to law enforcement agencies if there is a history of mistrust or a sense that the report won't be taken seriously. And we can't investigate a hate crime if we don't even know that one has occurred.

That is why at every one of the training conferences we attend, we have emphasized that we want you to report crimes to local law enforcement and to us. And one reason we are holding these conferences is to give you information about the law so that you can recognize a reported incident as a potential violation of the Shepard-Byrd Act or another federal or state hate crimes law. In fact, it was because of a training conference like this one – held in Little Rock in the summer of 2010 – that a local police officer who attended the conference reported an incident to the FBI that became the first case under the new law resulting in a trial and conviction.

In this case the defendants targeted five Hispanic men who had pulled into a gas station. After the victims left the gas station the defendants pursued them, threatened them by waving a tire wrench from the truck and hurled racial epithets. They ran into the victims' car repeatedly, causing the victims' car to cross into oncoming traffic, skid off the road, crash into a tree and ignite. The victims sustained serious injuries but fortunately there were no fatalities. Fortunately, the defendants' hatred was matched only by their stupidity, because they were apprehended when their car ran out of gas after the incident.

We hope today will lead to ongoing dialogue and collaboration involving all levels of law enforcement and the communities we work to protect. I encourage you to get in touch with me and my colleagues at the Department of Justice, the FBI, the U.S. Attorney's Office, the Illinois Attorney General's Office, and local law enforcement, to report hate crimes incidents, so that we can look into them. We currently have a large number of open matters involving various of the bias-motivation categories that are covered by the Shepard-Byrd law. Some of these cases will be prosecuted under state law in states, like Illinois, that have hate crimes laws. Others may be pursued at the federal level at the outset or after the state conducts its prosecution but there are still federal interests to be vindicated, in which case the United States will initiate its own prosecution.

The bottom line is that all of us, whether at the federal, state or local level, have a role to play in our nation's continuing effort to protect the rights of all individuals. Our nation is a better, fairer, safer, and less violent nation because of our collective efforts to protect civil rights on our streets, neighborhoods, workplaces and schools.

I thank you for your support of this critical work. Challenges remain, but it brings all of us in the Department of Justice great comfort to know that we have true partners in law enforcement and in the communities.

Thank you for the opportunity to speak to you today and for your commitment to creating a safer, more tolerant nation.