



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 6, 2009

Dear Senator:

The undersigned member organizations of the Consortium for Citizens with Disabilities (CCD) are writing to urge your support for S. 909, the Matthew Shepard Hate Crimes Prevention Act, reintroduced April 28, 2009. This legislation would grant agencies the authority to investigate and prosecute federal crimes based on the victim's disability, whether actual or perceived, and would authorize funding to states to help with the prosecution of Hate Crimes. On April 29th, we were pleased to see the House of Representatives pass the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913) with a bipartisan vote of 249-175, and hope for swift passage in the Senate.

Through much of our country's history and well into the twentieth century, people with disabilities -- including those with developmental delays, epilepsy, cerebral palsy and other physical and mental impairments -- were seen as useless and dependent, hidden and excluded from society, either in their own homes or in institutions. Now, this history of isolation is gradually giving way to inclusion in all aspects of society, and people with disabilities everywhere are living and working in communities alongside family and friends. But this has not been a painless process. People with disabilities often seem "different" to people without disabilities. They may look different or talk differently. They may require the assistance of a wheel-chair, a cane, or other assistive technologies. They may have seizures or have difficulty understanding seemingly simple directions.

These perceived differences evoke a range of emotions in others, from misunderstanding and apprehension to feelings of superiority and hatred. Bias against people with disabilities takes many forms, often resulting in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act are designed to protect people with disabilities from prejudice.

Perhaps most unfortunately, disability bias can also manifest itself in the form of violence — and it is imperative that a message be sent to our country that these acts of bias-motivated hatred are not acceptable in our society.

The federal government still has very limited authority to investigate and prosecute disability-bias **federal** crimes. In 1994, Congress enacted a penalty-enhancement law for **federal crimes** in which the defendant intentionally selects a victim because of the person's "actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person" [28 USC 994 Note]. Also in 1994, Congress extended the Hate Crime Statistics Act of 1990, a law requiring the FBI to collect hate crime statistics from state and local law enforcement authorities, to include disability-based hate crimes. Still, hate crimes against those with disabilities remain vastly under-reported.

The Matthew Shepard Hate Crimes Prevention Act would broaden the definition of hate crimes to include disability, sexual orientation, gender and gender identity. It also makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers or to assist in state and local investigations and prosecutions of bias-motivated crimes. Thirty-one states and the District of Columbia have already recognized the importance of this issue and have included people with disabilities as a protected class under their hate crimes statutes. However, protection is neither uniform nor comprehensive, and this has important practical and symbolic results. It is vital for the federal government to send the message that hate crimes committed because of disability bias are as intolerable as those motivated by race, ethnicity, national origin, or religion. The crucial resources provided to local law enforcement in this legislation would give meaning and substance to this important message. It is critical that people with disabilities share in the protection of the federal hate crimes statute.

Contrary to some critics of this legislation, S. 909 does not in any way violate First Amendment protections. Hate crime laws do not restrict speech. Rather, they target only criminal conduct prompted by prejudice. Some critics of the bill have inaccurately claimed that this bill, if enacted, would prohibit the lawful expression of religious beliefs. These fears are unfounded. **The Matthew Shepard Hate Crimes Prevention Act does not punish, nor prohibit in any way, preaching or other expressions of religious belief, name-calling, or even expressions of hatred toward any group. It covers only violent actions that result in death or bodily injury.**

Too frequently, bias-motivated crimes against those with disabilities have gone unreported and unprosecuted. The special problems associated with investigating and prosecuting hate violence against someone with a disability makes the availability of federal resources for state and local authorities all that much more important to ensure that justice prevails.

We urge you to support the Matthew Shepard Hate Crimes Prevention Act. This legislation is vitally important for the vulnerable population of individuals with disabilities, and must be enacted in order to bring the full protection of the law to those targeted for violent, bias-motivated crimes simply because they have a disability.

Sincerely,

Alexander Graham Bell Association for the Deaf and Hard or Hearing (AG Bell)

American Association on Health and Disability

American Association on Intellectual and Developmental Disabilities (AAIDD)

American Association of People with Disabilities (AAPD)

American Council of the Blind

American Counseling Association

American Diabetes Association

American Dance Therapy Association

American Medical Rehabilitation Providers Association (AMRPA)

American Music Therapy Association

American Network of Community Options and Resources (ANCOR)

American Occupational Therapy Association (AOTA)

American Psychological Association

American Therapeutic Recreation Association

American Rehabilitation Association

Association of Assistive Technology Act Programs (ATAP)

Association of University Centers on Disabilities (AUCD)

Autistic Self Advocacy Network

Autism Society of America

Bazelon Center for Mental Health Law

Brain Injury

Association of America

Council for Learning Disabilities

Council of Parent Attorneys and Advocates (COPAA)

Council of State Administrators of Vocational Rehabilitation

Disability Policy Collaboration

Disability Rights Education and Defense Fund

Disabled Action Committee

Easter Seals

Epilepsy Foundation
Helen Keller National Center
Higher Education Consortium for Special Education
Learning Disabilities Association of America
Mental Health America
National Alliance on Mental Illness (NAMI)
National Association of Councils on Developmental Disabilities (NACDD)
**National Association of County Behavioral Health and Developmental
Disability Directors**
National Association of the Deaf
National Association of School Psychologists
National Association of Social Workers
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Coalition on Deaf-Blindness
National Council on Independent Living
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Down Syndrome Society (NDSS)
National Fragile X Foundation
National Rehabilitation Association
National Organization of Social Security Claimants' Representatives
National Respite Coalition (NRC)
National Structured Settlement Trade Association (NSSTA)
NISH
Paralyzed Veterans of America (PVA)
Research Institute for Independent Living
School Social Work Association of America
Spina Bifida Association
TASH
The Arc of the United States
United Cerebral Palsy United Spinal Association

United Spinal Association**World Institute on Disability (WID)**

The Consortium for Citizens with Disabilities is a Coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. (A list of members is available at www.c-c-d.org.) Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that America's 54 million children and adults with disabilities are fully integrated into the mainstream of society