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Testimony on HB 903 and HB 904 By the League of Gay and Lesbian Voters

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I would like to begin first by discussing hate crimes against lesbian, gay and bisexual people themselves, and then discuss why I believe HB 903 and HB 904 should be passed to help deal with the situation.

Although many people believe hate crimes against lesbian and gay people occur only in a big city like Philadelphia (which certainly has its share), such crimes also occur in all other parts of the state. For instance, in the last few years, hate related murders have occurred in Pittsburgh, Erie, Johnstown, Smithton (Westmoreland County), Smethton (Bradford County), Uniontown (Fayette County), and Johnstown, just to name a few in addition to Philadelphia. This is, of course, in addition to the more common assaults and rapes that occur in throughout the Commonwealth. In State College alone this year, 17 incidents of hate-related assault against lesbian and gay Pennsylvanians have been reported. Since such crimes are generally reported at significantly lower rates than actual incidents, especially in the case of lesbian and gay people, we believe additional incidents besides these have occurred there this year as well.

Not only is this a problem in every area of Pennsylvania, but it is also a pervasive, frequently encountered one. Such assaults have become an almost expected part of life for lesbian and gay people. More often than not, the question when visiting a town or an establishment is not "do bashings occur here?" as much as "how often do bashings occur here?" It is not uncommon for lesbian and gay establishments to hire off-duty police or private security not so much to look after patrons' cars as much as to make sure they get to their cars safely. Clearly, this should never be the case for any segment of our population.

Same-sex couples also often face problems of attacks at their homes once they become known as a lesbian or gay couple. They are frequently harassed, their homes vandalized and so forth. Sometimes, they are even forced from their homes.

What differentiates hate crimes from random or personally-directed crimes is that such crimes are, in essence, a form of terrorism against that group of people. Each assault or murder is not only an attack on a specific person, but a threat against other lesbian and gay people of further violence. For instance, knife attacks outside a popular gay establishment in Pittsburgh a few years ago lead to a significant decline in patronage because people feared for their safety. One of the first things I was told when I visited a Williamsport establishment was to be careful because of a number of lesbian and gay bashing incidents had recently taken place near that establishment, which naturally left some people hesitant to visit it. Similar mention has been made when visiting Harrisburg, where rounds of such attacks seem mostly to flare up off and on. In other words, hate crimes are attacks not only on an individual, but on an entire class of people. It affects their ability to freely associate with one another, their sense of security, and in fact their actual physical security. In other words, that class of people is actually victimized as well in such an attack.

Another difference is that, in such cases, the specific victims of hate crimes often suffer greater psychological trauma from such attacks, particularly lesbian and gay victims. They are often blamed for these crimes, rather than the criminals. They are more likely to suffer posttraumatic depression. Their sense of self-worth tends to plummet, and they start believing that they, because they are a member of a specific class, deserved to be assaulted. The crimes and the victim's sexual orientation are sometimes reported in the local press, resulting in the victim being "outed" and, as a consequence, losing their job. This causes a further decrease in self-esteem. Victims of hate crimes, especially lesbian and gay related hate crimes, often have greater difficulty recovering from these crimes.

Additionally, hate-related attacks are often more brutal than average crimes. For instance, in one case in 1993, a man was stripped, tortured when a beer can was forced into his rectum, and then beaten to death. Another man, who was beaten and kicked to death in 1994, suffered injuries such as caved in cheek and nose bones and a crack at the base of the skull, inflicted without the use of a weapon. Another man at the end of

1994 was shot multiple times, stripped, stuffed in a trunk of a car, and the car was then set on fire. The list goes on. Overkill is the norm in these types of crimes.

Despite these facts, in the courtroom and in society, the sexual orientation of lesbian and gay people is more often treated as a legitimizing excuse for committing crimes rather than the other way around. Violent offenders are merely slapped on the hand for their crimes, and the victim and family members, or the victim's surviving family members, are left to see what little regard there is in our justice system when it comes to the brutalization and murder of lesbian and gay people. For example, in the murder of David Piergalski, a man beaten to death because of his sexual orientation, one perpetrator was in prison for only 18 months; the other was sentenced to six years.

This can no longer be tolerated. It must change. Regardless of how you may feel about lesbian and gay people per se, issues of criminal justice and violent crime against any group of people must be addressed in the context of a class of people frequently targeted by violent criminal offenders. This must transcend other issues. We, your constituents, look to you as members of the General Assembly of Pennsylvania to provide tools to help decrease these crimes.

Because juries, and sometimes judges as well, tend to sentence hate-related crimes more leniently than crimes overall, because these crimes are of an additionally egregious nature than non-hate related crimes, and because there is such an overwhelming prevalence of such crimes in Pennsylvania, a number of District Attorneys support this bill, such as Robert Colville of Allegheny County, Allan Rubenstein of Bucks County, and Lynn Abrams of Philadelphia County. Some judges, such as Judge Dauer of Allegheny County, have indicated that, had sexual orientation been included in Pennsylvania's current hate crimes statutes, they would have found it applicable in a case over which they presided.

Do these bills send a message? Yes. The message is: the state recognizes that crimes committed because of a person's sexual orientation are a serious problem in Pennsylvania and that they will not be tolerated within the Commonwealth's borders. It says that Pennsylvania is willing to support its district attorneys, its prosecutors, as they attempt to curb these crimes. It says that Pennsylvania will stand up for the victims of crimes, including those who happen to be lesbian and gay Pennsylvanians and their families.

Sending such a message does not constitute an endorsement of anything beyond a policy of firmly and decisively addressing crime where crime is a problem. It cannot and should not be construed, as some were concerned, as an endorsement for any "lifestyle" or sexual orientation, or position, pro or con, on any set of moral codes pertaining to sexual orientation. In these bills we have no interest other than address a major and legitimate concern of our community. The issue here is crime; other issues are issues for another day.

HB 903 and HB 904 provide vital tools for prosecutors and state police to help curb some of the violence we face merely because of our sexual orientation. Our justice system needs to send the message that such crimes are not permissible in our society, whatever one might think of the group being targeted. And this includes lesbian and gay people. It needs to do so by punishing these crimes according the heinous nature of these crimes, and the total number of people the criminals committing these crimes are harming. This is what these bills do.