

BIAS CRIME

Wyo copes with negative reaction to bill's defeat

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CHEYENNE — In addition to dealing with the tragic beating death of a gay University of Wyoming student in October, Gov. Jim Geringer said state residents were targeted collectively as "brutal and uncaring."

"That hit hard," he said during an interview Friday.

Now, residents of the state are feeling the second wave of national negative reaction after the Legislature's rejection of a bias crime law.

A glance at the governor's email shows how upset some people are with Wyoming. One writer vehemently vowed to bypass the state during his upcoming Western trip because it will not pass a bias crime law.

"I've been pretty overwhelmed by some of the letters and emails that come in that say, 'If you don't pass this hate crime law I will hate you.'" Geringer related. "Excuse me, but aren't we trying to eliminate stereotypes and discrimination and hatred?"

The four previous bias crime bills that were killed by the Legislature this decade received scant attention in Wyoming, let alone nationally. The death of Matthew Shepard, however, changed the debate forever.

The 21-year-old Shepard was pistol-whipped, tied to a fence and left for dead near a Laramie subdivision in October. He died of massive head injuries at a Fort Collins, Colo., hospital, five days later.

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The attack sparked a call from human rights groups, gay rights organizations and others for the passage of hate crime laws at both the state and federal level that include sexual orientation.

Wyoming is one of only nine states that do not have a hate or bias crime law on its books.

The House debated the issue on the floor this year for the first time, but after narrowly surviving two votes, *House Bill 132* died on a 30-30 final vote.

The bill enhanced penalties for misdemeanors motivated by bias or prejudice toward an individual or group due to religion, race, color, sexual orientation, disability, national origin or ancestry. The House added occupation to the list.

Proponents of the bill and a similar measure, *Senate File 84*, emphasized it was modeled after a Wisconsin law that has been upheld by the U.S. Supreme Court.

Geringer, however, favored *SF 91*, a compromise sponsored by Sen. Rich Cathcart, D-Carpenter, that removed the list in favor of unspecified "groups or individuals" protected from bias crimes.

Both Senate proposals were killed 3-2 by the Senate Judiciary Committee last week. The only related bill still alive is *House Bill 193*, which would create a "Human Diversity Task Force" to study bias crimes in Wyoming and report to the governor and Legislature.

Sen. John Schiffer, R-Kaycee, chairman of the Senate panel, said he could explain the reason the House killed *HB 132* "in two words: sexual orientation."

Geringer agreed that including homosexuals as a protected class was a factor in the bill's demise, but not the only one.

The governor said his main problem with the list is that "when you start to enumerate who would be affected or not

affected, you inadvertently — or perhaps purposely — leave things out."

David Smith, communications director of the Human Rights Campaign (HRC) in Washington, D.C., said Wyoming's decision to kill bias crime legislation "flies in the face of public opinion."

"It leaves a very serious problem unresolved for at least another year," he said.

Smith said Wyoming legislators who objected to giving "special protection" to any groups were trying to mask homophobic attitudes.

"It's very clear what they are talking about," he said. "It illustrates the pervasiveness of anti-gay bias in society."

"I think as we get removed from the Matthew Shepard event, it will become clear that this is not a bill that is just directed at protection of homosexuals," said Rev. Daniel Monson, director of the Wyoming Church Coalition.

The WCC has lobbied for a bias crime bill since 1990.

Monson said he believes Geringer "is very sincere in wanting a good hate crimes bill, but I also think he knows the political circumstances in Wyoming well enough to know that if you put sexual orientation in it you may doom the bill."

He said the governor's preference of *SF 91*, which is based on a Texas law, is understandable.

"The problem is it has turned out to be unenforceable and unconstitutional," Monson said. "It's too vague."

Sponsors of the Texas law, he added, discovered its ineffectiveness and are trying to pass a version with a list similar to the one Wyoming rejected.

Monson said he would like to see both gender and age added to the list of protected classes because both are targeted for crimes.

The sponsors of the bill this year, he said, refused to include gender because they thought it would lead to its defeat.

"The reality is it might actually bring in every female in the state as a supporter," Monson said.

Geringer also said he was baffled by the House's decision not to include gender, as well as an amendment that eliminated felonies from *HB 132*.

Jesus Rios, president of the Associated Students of the University of Wyoming (ASUW), said he is personally disappointed in the Legislature's decision.

"What it says to me is that they've missed the big picture," he said. "They completely seem to miss what occurred here in October and take that too heavily into account in trying to determine what direction they should go with this legislation."

The ASUW leader said he expects individual students and organizations to write letters and make phone calls to legislators in protest of the bias crime bills' rejection.

"I think we needed something to reaffirm the state's support of students' concerns," Rios said. "I think the failure to pass (bias crime) legislation is a shot to students."

Rios said he supported Geringer's call for a dialogue on how to prevent bias crimes but added, "I definitely think it would take the governor's support for this legislation to pass."

"I think (Geringer) was key in how this played out," he said. "Asking the Legislature to just open it up for dialogue, by all

means, wasn't enough."

"I'd like to know just what else he expected," Geringer said, adding that he worked extensively with the co-chairmen of the Joint Judiciary Committee on the issue.

The governor said if he had just reacted to popular opinion in Wyoming he would not have supported any bias crime law instead of endorsing *SF 91*.

Geringer said he also felt a responsibility "to lead people where they ought to go," but the approach he took was "to let them discover on their own that there is a better way" instead of pushing them.

"That's what we did," he said. "We tried to raise the awareness of what the important parts of human behavior are that need to be changed. It has to come from within, not by dictate from without."

Geringer said he believes the debate about bias crime laws has been healthy for the state.

"The issue of sexual orientation is now more vividly in people's discussion than ever before," he said.

Monson said the WCC will focus on education until the bias crime issue can be reconsidered. He said the coalition will sponsor a conference on hate in Lander in October.

"Obviously a lot of people don't understand what a bias crime bill is all about because they don't understand what a bias is," Monson said. "A lot of people are blissfully unaware of their own biases."

Casper Star Tribune

Feb. 7, 1999