



MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT FIFTH ANNIVERSARY

On October 28, 2009, President Barack Obama signed into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). The HCPA allows the federal government to provide assistance in the investigation and prosecution of hate crimes—or, in limited circumstances, to investigate and prosecute hate crime cases when a locality is unable or unwilling to prosecute. Second, it ensures that crimes which target their victims because of race, color, religion, national origin, gender, sexual orientation, gender identity or disability are all covered by the law.

Because the law commemorates its fifth anniversary on October 28, 2014, it is a good opening to discuss the hate crimes law with students. This lesson provides an opportunity for middle and high school students to understand the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, learn about how hate escalates, connect the understanding of the escalation of hate with Matthew Shepard and James Byrd Jr.'s murders and consider what young people can do in their schools and communities to prevent hate crimes.

See these additional ADL resources: *Current Events Classroom* “[Analyzing Hate Crimes Statistics](#),” [Imagine A World Without Hate® Video Educator’s Guide](#) and [Hate Crimes Laws](#).

Grade Level: grades 6–12

Time: 45 minutes

Common Core Anchor Standards: Reading, Speaking and Listening

Learning Objectives:

- Students will learn about the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.
- Students will explore the *Pyramid of Hate* to understand how hate escalates and can be prevented.
- Students will identify actions young people can take to prevent hate crimes.
- Students will reflect on how “a world without hate” might look and feel.

Material:

- [James Byrd, Jr. Biography](#) and [Matthew Shepard Biography](#) (make enough copies of both to distribute one biography to half the class and the other biography to the other half; see Reading Activity step 1)
- [Pyramid of Hate](#) (one for each student)
- *Imagine A World Without Hate*® video at www.adl.org/imagine-a-world-without-hate

- (Optional) [Action Plan](#) (one for each student)

Vocabulary:

Review the following vocabulary words and make sure students know their meanings. (See ADL's "[Glossary of Education Terms](#).")

- assault
- bias
- brutal
- characteristics
- discrimination
- escalate
- gender identity
- genocide
- hate crime
- homophobia
- penalties
- post-traumatic stress disorder
- prosecute
- sexual orientation
- slurs
- statistics
- stereotyping
- vulnerable

WHAT IS THE MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT?

1. Ask students the following questions:

- Have you ever heard of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act?
- Do you know the names James Byrd, Jr. and Matthew Shepard?
- If they are unfamiliar with the law ask, what do you think it might be about?
- Based on the title of the law, who do you think James Byrd, Jr. and Matthew Shepard are?

2. Explain to students that the law was named for the victims of two high-profile hate crimes against two people, James Byrd, Jr. and Matthew Shepard, who they will learn more about in the lesson. The HCPA is the most important, comprehensive and inclusive federal hate crime enforcement law enacted in the past 40 years. The measure closes gaps in state hate crime laws and current federal enforcement authority and provides authority, for the first time, for federal officials to partner with state and local police to investigate and prosecute cases in which the bias violence occurs because of the victim's actual or perceived sexual orientation, gender, gender identity or disability. Most states also have their own hate crimes laws.

INFORMATION SHARING

Share the following information with students about the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act:

- Generally, hate crime laws impose tougher penalties on criminals who target their victims due to the victims' race, religion, ethnicity, sexual orientation, gender, gender identity or disability. For example, if a criminal assaults a person **because** that person is Jewish, the crime would likely be a hate crime.
- Hate crimes are different than other criminal conduct. These crimes occur because of the criminal's bias or hatred against the victim on the basis of actual or perceived identity. In most of these crimes, absent the victim's personal characteristics, no crime would have occurred. Also, hate crimes have a psychological impact by intimidating other members of the victim's community, leaving them feeling afraid, isolated, vulnerable and unprotected by the law.

- The HCPA, passed by the federal government, provides funding and technical assistance to state, local and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes. It also creates a new federal criminal law which criminalizes willfully causing bodily injury or attempting to do so when the crime was committed because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of any person.
- The FBI's *Hate Crime Statistics, 2012* report documented 6,573 hate crimes. Of these, 47.2 percent were motivated by racial bias, 20.2 percent were motivated by religious bias, 19.8 percent were motivated by sexual-orientation bias and 11.3 percent were motivated by ethnicity/national origin bias. Bias against disabilities accounted for 1.5 percent of single-bias incidents.
- Forty-five states plus D.C. have hate crimes law; the five states without a hate crimes law are: Arkansas, Indiana, Georgia, South Carolina and Wyoming. In addition:
 - Only 31 states and the District include sexual orientation in their law;
 - Only 28 states and the District include gender;
 - Only 15 states and the District include gender identity; and
 - Only 30 states and the District include disability.

To learn more about state hate crimes laws (if time permits), look at state-by-state information by projecting or distributing copies of [State Hate Crime Statutory Provisions](#) where students can find their state and determine whether their state has provision about hate crimes motivated by (1) race, religion, ethnicity, (2) sexual orientation, (3) gender, (4) gender identity and (5) disability.

READING ACTIVITY

1. Explain to students that through a reading activity, they will learn more about James Byrd, Jr. and Matthew Shepard, the two individuals who the law was named after. Have each student find a partner of someone sitting near them. Distribute the [James Byrd, Jr. Biography](#) to one member of the pair and the [Matthew Shepard Biography](#) to other person.
2. Give students five minutes to read the background about each person and then another five minutes to share with each other what they learned about their person. If you want to provide more structure for presenting to their partner, have each student share at least the following:
 - Share something about the person's life.
 - What happened to them?
 - How did their death help lead to the Hate Crimes Prevention Act?
3. Engage students in a whole class discussion by asking:
 - What stood out for you as you read their stories?
 - What did James Byrd, Jr. and Matthew Shepard have in common?
 - What differences were there in what happened to them?
 - Why do you think the Hate Crimes Prevention Act was named after them?
 - Why do we sometimes name laws after people?

HOW HATE ESCALATES: THE PYRAMID OF HATE

1. Distribute the [Pyramid of Hate](#) handout to each student. Go over the different categories in the *Pyramid of Hate*, defining any words that the students do not know.
2. Engage students in a discussion by asking the following questions:
 - What is your overall reaction to the *Pyramid of Hate*?
 - How does it resonate with your experience?
 - Where would you place the murder of James Byrd, Jr. and Matthew Shepard on the Pyramid of Hate? (Bias-Motivated Violence)
 - Do you think it's possible that other acts of prejudice, discrimination and bias led to the bias-motivated violence?
 - Do you think their murders could have been prevented? How so?
3. Continue to discuss the *Pyramid of Hate* by reviewing the following points:
 - The *Pyramid of Hate* demonstrates the way that bias and hateful attitudes and behaviors can escalate if they go unchecked.
 - Many people describe the behaviors at the bottom level of the pyramid as being “subtle and insignificant.” Like a pyramid, however, the levels above are supported by the lower levels. If people or institutions treat behaviors on the lower level as being acceptable or “normal,” it may not be long before the behaviors at the next level become more accepted.
 - While the “higher” levels of the pyramid are more life-threatening (e.g. murder, genocide), the impact on the individual of experiencing the lower levels should not be underestimated.

ACTIVISM: WHAT CAN WE DO ABOUT HATE CRIMES?

1. To elaborate on the question of whether the murders of James Byrd, Jr. and Mathew Shepard could have been prevented, divide students into small groups of 4–5 to discuss possible actions. (If time is limited, alternately do this activity in large group discussion.)

Optional: Distribute the [Action Plan](#) handout to each student to use in discussing possible actions.

2. Ask students to respond to this question: *What are your ideas about how we can prevent hate crimes from happening?*
3. Instruct students to reflect on the *Pyramid of Hate* and how hate escalates and how addressing some of the issues on the bottom of the pyramid can lead to prevention of things at the top portion. Encourage students to think about realistic strategies they can do in their school and/or community. After small group work, have each group share some of their ideas with the whole class. As a long-term project, pursue one or more of these ideas as individual, group or class projects.

CLOSING

1. Play the video [Imagine A World Without Hate®](#). After viewing the video, engage the students in a class discussion by asking the following questions:
 - Did you recognize anyone in the video?

- What did all the people featured in the video have in common?
 - What was the message of the video?
 - Can you imagine a world without hate, as the video suggests? What would it look like?
2. Reviewing the last question again, ask students to imagine a world without hate. Have them go around and say what a world without hate might look like using five words or less.

ADDITIONAL READING

- [“Obama Signs Hate Crimes Bill”](#) (*The New York Times* The Caucus Blog, October 28, 2009)
- [Comparison of FBI Hate Crimes Statistics, 2000-2012](#) (Anti-Defamation League)
- [Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act](#) (The Leadership Conference)
- [Hate Crimes Statistics, 2012](#) (Federal Bureau of Investigation)
- [Matthew Shepard & James Byrd, Jr. Hate Crimes Prevention Act of 2009](#) (U.S. Department of Justice)
- [“Hate Crimes Bill Signed Into Law 11 Years After Matthew Shepard’s Death”](#) (*The Huffington Post*, March 18, 2010)
- [Remarks by the President at Reception Commemorating the Enactment of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act](#) (Office of the Press Secretary, The White House)

COMMON CORE ANCHOR STANDARDS

Content Area/Standard
Reading
Standard 1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
Speaking and Listening
Standard 1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others’ ideas and expressing their own clearly and persuasively.

JAMES BYRD, JR. BIOGRAPHY



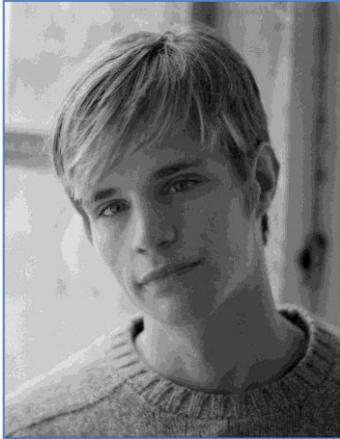
May 2, 1949–June 7, 1998

James Byrd, Jr. was born in Beaumont, Texas, one of nine children, to Stella and James Byrd, Sr. In 1967, Byrd, who was African-American, graduated from the last segregated class at Jasper's Rowe High School. Byrd went on to marry and have three children.

In the early hours of June 7, 1998, Byrd was walking home in Jasper, Texas, when he was stopped by three white men who offered Byrd a ride home. James got in the bed of their pickup truck, but the men did not take Byrd home. Instead, they drove him to an isolated, wooded road east of town, beat him severely, chained him to the rear bumper of their truck by his ankles and dragged him for more than three miles along the road. The three men responsible for his killing were well-known white supremacists. Two of Byrd's murderers were sentenced to death, while the third was sentenced to life in prison. His brutal murder stands as one of the most nightmarish recent incidents of racially motivated violence. Byrd's murder inspired the passage of a Texas hate crimes law.

Along with the murder of Matthew Shepard, James Byrd, Jr.'s murder led to increased pressure for the passage of national legislation addressing hate crimes. For more than a decade, ADL led the fight for Federal Hate Crime legislation, finally celebrating the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, signed into law by President Barack Obama.

MATTHEW SHEPARD BIOGRAPHY



December 1, 1976–
October 12, 1998

Matthew Shepard was a 21 year-old freshman at the University of Wyoming where he studied political science, foreign relations, and languages. The son of Judy and Dennis Shepard, Matthew went to public school in Casper, Wyoming until his junior year of high school when he moved overseas with his family. He finished high school at The American School in Switzerland. In both Wyoming and Switzerland, he was elected by his peers to be a peer counselor. He was easy to talk to, made friends easily and actively fought for the acceptance of all people. Matthew had a great passion for equality. His experiences abroad fueled his love for travel and gave him the chance to make many new friends from around the world.

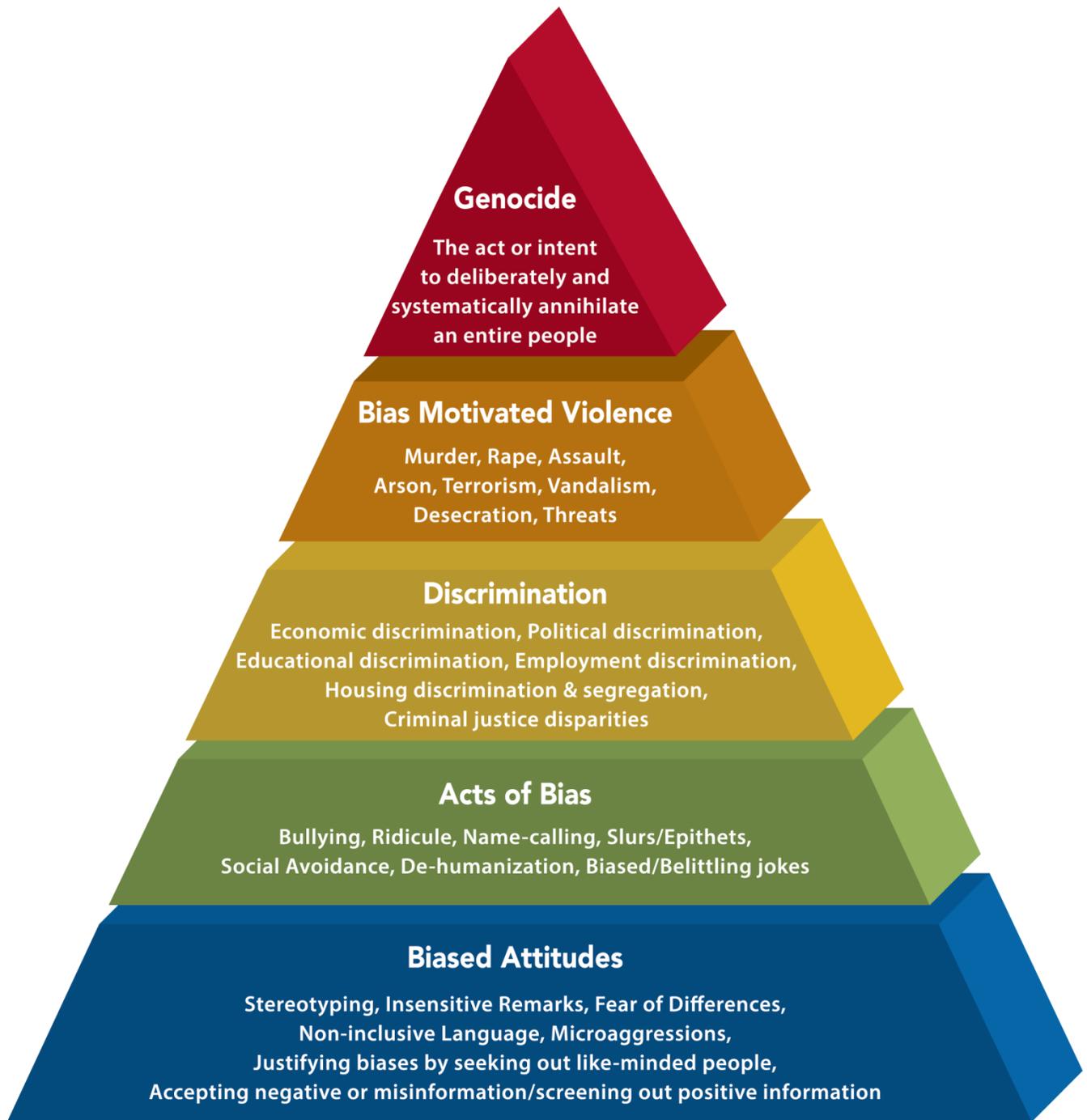
On October 7, 1998, a few hours after he had attended a planning meeting for Gay Awareness Week events on campus, Shepard was tortured and murdered by two men in a remote area east of Laramie, Wyoming. The life and death of Matthew Shepard changed the way we talk about, and deal with, hate in America. The investigation into his death found strong evidence that his attackers targeted him because he was gay. Shepard's

murderers were given life sentences—not the death penalty, largely because his parents sought mercy for his killers.

Since his death, his legacy has challenged and inspired millions of individuals to stand up to hate in all its forms.

Along with James Byrd, Jr.'s murder, Shepard's murder led to increased pressure for the passage of national legislation addressing hate crimes. For more than a decade, ADL led the fight for Federal Hate Crime legislation, finally celebrating the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, signed into law by President Barack Obama.

PYRAMID OF HATE



ACTION PLAN

Brainstorm different ideas on what you can do about hate crimes in your school or community. Create an action plan for implementing your idea using the grid below.

IDEA:		
ACTIVITIES	PEOPLE AND RESOURCES NEEDED	TIMELINE