



CITY OF PHILADELPHIA CITY COUNCIL

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COUNCILMAN AT-LARGE

September 18, 2014

Mr. Zane Memeger
United States Attorney
Eastern District of Pennsylvania
615 Chestnut Street
Philadelphia, PA 19106

Dear Mr. Memeger:

On September 11, 2014, two young gay men were brutally assaulted by a group of 12-15 individuals on the 1600 block of Chancellor Street in Center City Philadelphia. As news reports have indicated, the two men suffered serious injuries including a broken jaw, other broken bones, and multiple lacerations.

According to a Philadelphia Daily News report, when Police arrived on scene they were under the impression that a shooting had occurred because of the amount of the victim's blood on the street and sidewalk. To make this terrible crime worse, from the victim's statements and other eyewitness reports, these men were assaulted by this mixed group of men and women because of their sexual orientation. The victim's were asked, "Is that your fucking boyfriend?" When one victim replied, "Yes he is my boyfriend", the men and women began their brutal assault. All the while, the perpetrators were screaming epithets of "faggots", "dirty faggots".

Unfortunately, under Pennsylvania law this type of assault would not qualify as a specific "hate crime". Multiple Bills have been introduced by members of the General Assembly, but they have all failed as of today to reach a final vote, and the signature of the Governor. Because of the seriousness of these offenses, and the obvious discriminatory intent of the perpetrators, I respectfully ask that the Department of Justice partner with the Philadelphia District Attorney and Philadelphia Police Department to conduct an investigation and bring Federal charges against these individuals under 18 U.S.C. 249, otherwise known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, passed by Congress and signed by President Obama in 2009.

It is my opinion that it is in the interests of substantial justice for this Act to be enforced here, and the only true justice that can be meted out against these individuals is found in the penalty provisions of this Act. Also, since these individuals lived outside of Philadelphia, they most likely used some instrument of transportation funded or supported by the Federal Government, it is my opinion that the Department of Justice has the necessary legal and factual basis to bring charges under this Act.

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Once again, I respectfully request that you and your office closely look at this crime. Further, it is my sincere hope that you prosecute this case to the fullest extent of the law, and as a sign that behavior of this nature will not be tolerated anywhere in the United States, but most certainly not in the City of Philadelphia.

If you have any questions or would like to discuss this matter further, please feel free to contact me at 215-686-3450.

Sincerely,



James F. Kenney
City Councilman-At-Large

cc: R. Seth Williams, District Attorney