



**TESTIMONY OF WESLEY D. BIZZELL, ESQ.
PRESIDENT, NATIONAL LGBT BAR ASSOCIATION
BEFORE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
March 4, 2020**

Chairman, Vice Chair, Members of the Committee, I am Wesley Bizzell. My pronouns are he, him, and his. I am privileged to serve as President of the National LGBT Bar Association, which represents tens of thousands of LGBTQ+ attorneys, judges, law students, activists, and other legal professionals across the U.S. We have over 40 state and local affiliated bar organizations, including the LGBT Bar Association of Oregon, OGALLA. Additionally, we also have almost 100 affiliated law school student groups, including three student organizations in the state of Oregon.

I'm here to convey the National LGBT Bar's strong support of SB 704. Some may wonder why this bill is necessary today. Unfortunately, panic defenses are not a relic of the past. This bill is necessary because even today violent preparators go free or have their charges reduced when they kill or violently assault LGBTQ+ victims, simply because of an archaic and prejudiced argument that claims that the sudden revelation or realization of the victim's sexual orientation or gender identity provoked or excused the violence.

As is true of many other marginalized communities, bias and prejudice against LGBTQ+ people continue to be pervasive in our justice system and in our society in general. The "panic" defense weaponizes this bias to justify horrific violence by drawing on noxious and damaging stigmas that are unique to LGBTQ+ people: that we're "predators"; that we're "dangerous sexual deviants"; that we're not "really" women or not "really" men; that we "trick" people about our sexual orientation or gender identity; that our mere existence reasonably provokes fear and anger and violence.

Violence directed towards LGBTQ+ victims should not be justified simply because of who we are. Our identity should not be a defensible reason for assault or murder. To justify and excuse violence and murder as a result of the victim's status as a lesbian, gay, bisexual, transgender or queer person is to deem LGBTQ lives as inherently less worthy, less human, and less deserving of justice as compared to those who do not identify as LGBTQ.

In many instances, these are particularly brutal crimes. In one case where the panic defense was used, the victim was stabbed and slashed more than five dozen times. In another, the victim was choked with a wallet chain, drowned and then his body was doused in gasoline and set on fire. In yet another, the victim was bludgeoned with a fire extinguisher, leaving her for dead as the defendant ransacked her apartment. When he later heard her gasping for breath as she regained consciousness he beat her again with the fire extinguisher until he "killed it" as he later told the police. And, many of us are familiar with the horrific and senseless murder of Matthew Shepard, who was brutally pistol-whipped, tortured, and tied to a fence post, where he was left to die. More than 20 blows rained down on him so hard that they fractured his skull a half-dozen times. Reports described how Matthew was beaten so severely that when he was found his face was completely covered in blood, except where his tears had left tracks down his cheeks. As horrific these descriptions are, they do not even begin to describe the brutality of each of these assaults.

All of these defendants raised the LGBTQ panic defense in their cases, and several of them were successful. So, why is this bill necessary? This bill is necessary because these and so many other horrific cases haunt our judicial system. This bill is necessary for the preservation of justice for these and other victims. It is as simple and complicated as this: LGBTQ+ people are being violently harmed and viciously murdered simply because of who they are, and the noxious LGBTQ panic defense allows their attackers to escape the criminal sentences that would otherwise be imposed on them but for the sexual orientation or gender identity of their victims. This is why the American Bar Association's House of Delegates, at the National LGBT Bar's urging, voted unanimously in 2013 to endorse a ban on the LGBTQ panic defense. This is why 13 other jurisdictions have enacted such a ban, with a bill currently pending before the Governor of the Commonwealth of Virginia.

The National LGBT Bar hopes this Committee and the Oregon General Assembly will join other legislatures that have passed similar bills on strong bipartisan votes, some of them even unanimously. We urge you to support enactment of this important legislation which will prevent violent criminals from escaping the punishment they deserve and will make equal justice under the law a living, breathing reality for LGBTQ victims of violence. Thank you.