

February 21, 2024

Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

**RE: Request for Investigation on the Incidents Leading to the Death of Nex
Benedict**

Dear Attorney General Garland:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, I write following up on my call with Kristen Clarke, Assistant Attorney General for Civil Rights, to request that the Department of Justice (the "Department") promptly begin an investigation on the death of Nex Benedict, a non-binary teenager who died shortly after being brutally assaulted while at their high school in Oklahoma. Their death is a gut-wrenching tragedy that exposes the chilling reality of anti-transgender hatred spreading across the United States, and must be investigated by the Department as a potential hate crime.

As advocates for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals, the Human Rights Campaign (HRC) believes that all people—including transgender and gender-expansive youth like Nex—deserve to be accepted, seen, and safe. However, efforts to stoke hate and discrimination across the country are having a direct, negative impact on the lives of trans and gender-expansive people. This includes young students like Nex, who face harsh social and public environments largely influenced by this discourse that undermines their lives.

Available information shows that the depths of the cruelty inflicted on Nex are sickening. It appears that on February 7, 2024, Nex was brutally and viciously beaten while inside a girl's bathroom at Owasso High School in Owasso, Oklahoma, where Nex was a student. Reports suggest that Nex experienced violent, repeated head trauma during the attack. Nex was taken to Bailey Medical Center and released, only to be readmitted the following day. On February 8, 2024, Nex tragically died. According to news reports, the Owasso Police Department was called out to the hospital by Nex's family on the date of the attack around 3 p.m. A statement by the Owasso Police Department implies it was Nex's family, and not the school, who made the police aware of Nex being attacked.¹

We believe that Nex's death is the natural consequence of a growing wave of hatred against LGBTQ+ people. This hatred is being fueled by an unprecedented, coordinated attempt to eliminate the rights and visibility of our communities across the country, which recently led us to declare a national state of emergency for LGBTQ+ people for the first time in our nearly half-century history.² Anti-LGBTQ+ legislative assaults, political extremism based on false rhetoric, and the violent attacks these efforts eagerly encourage have become commonplace, beginning in statehouses and now even dominating the halls of Congress.³ Many of these efforts are focused on demonizing transgender and gender-expansive youth specifically, including through the false suggestion that the presence of transgender or non-binary youth in girls' restrooms is inherently predatory.

Oklahoma has considered more than 85 anti-LGBTQ+ pieces of legislation since 2015, passing seven into law. This gives it the dubious distinction of being one of the nation's top five promulgators of anti-LGBTQ+ discrimination, following Texas, Missouri, Tennessee, and Iowa. It has considered legislation that covers all of the trending anti-LGBTQ+ categories: bills to allow the abusive, discredited practice of conversion therapy; bills targeting the performance of drag; bills limiting what schools are allowed to say about LGBTQ+ people; book bans; bans on critical health care for transgender people; bans on updating identity documents, such as birth certificates; bills to allow discrimination justified by religious belief in the areas of child welfare, government services, and more; and many others. Among the most egregious of the bills passed into law were the ban on gender-affirming care for transgender youth and the ban on transgender students being able to use names, pronouns, and the restroom at school consistent with their gender identity. Indeed, Nex's family recently noted that Nex had first begun being bullied after Oklahoma Governor Kevin Stitt signed the bill into law that forbids trans and gender expansive youth to access restrooms consistent with their gender identity.⁴

The most recent hate crimes data compiled by the FBI make clear the impact of these efforts to demonize LGBTQ+ people like Nex. More specifically, they show that anti-LGBTQ+ hate crimes increased sharply in 2022 compared to the prior year, with a 13.8% increase in reports based on sexual orientation and a 32.9% increase in reported hate crimes based on gender identity.⁵ Likewise, data from HRC and the University of Connecticut's 2022 survey of nearly 13,000 LGBTQ+ youth ages 13–18 nationwide found that one fifth (20%) of transgender and gender-expansive youth had been hit, pushed, or experienced other forms of physical violence at school in just the 30 days prior to the survey.⁶

Nex's life demands justice. The Department has various tools available for addressing anti-LGBTQ+ hatred and violence, including through the bringing of a hate crimes investigation and potentially charges that could help hold the perpetrators of these horrific acts against Nex accountable for their hate-fueled violence. In addition, the Department should work with the

Department of Education to support their assessment of violations of Title IX and the Equal Protection Clause. I am grateful for having had the opportunity to speak with Assistant Attorney General Clarke last night regarding Nex's death, and am hopeful that the Department will move expeditiously on this matter. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelley Robinson". The signature is written in a cursive, flowing style with a long horizontal tail stroke.

Kelley Robinson
President
Human Rights Campaign

cc: Kristen M. Clarke, Assistant Attorney General, Civil Rights Division