



April 22, 2009

By FAX Machine

Dear Representative:

On behalf of the Asian American Justice Center (AAJC), we are writing to urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA) (H.R. 1913). This legislation will strengthen existing federal hate crime laws. Under current law, the government must prove that the crime occurred because of a person's membership in a designated group and because (not simply while) the victim was engaged in specific federally-protected activities- such as serving on a jury, voting or attending public school. This provision would eliminate these overly restrictive jurisdictional limitations, which have prevented federal involvement in a number of cases in which individuals kill or injure others because of a racial or religious hatred.

In addition, this provision would authorize the Department of Justice to assist local prosecutions, and, where appropriate, investigate and prosecute cases in which the bias violence occurs because of the victim's sexual orientation, gender, gender identity or disability. Current federal law does not provide authority for involvement in these cases at all.

Both the House and Senate have demonstrated strong support of the bill in recent years. In 2007, the LLEHCPA was successfully attached as an amendment to the Senate version of the Department of Defense Authorization bill. On September 14, 2005, the House passed this legislation by an overwhelming 223 to 199 bipartisan vote, taking a historic step toward giving law enforcement the tools they need to enforce and prosecute hate crimes against gay, lesbian, bisexual and transgender persons. The measure was passed as an amendment to H.R. 3132, the "Children's Safety Act." Currently, the LLEHCPA has the support of more than 300 organizations including law enforcement, civil rights, civic and religious organizations.

State and local authorities investigate and prosecute the overwhelming majority of hate crime cases -- and will continue to do so after the LLEHCPA is enacted. The LLEHCPA, however, would provide a necessary backstop to state and local enforcement by permitting federal authorities to provide assistance in these investigations -- and by allowing federal prosecutions when state and local authorities are unable or unwilling to act.

All too often, Asian Americans find themselves victimized by hate crimes. It is important that the federal government be able to address cases that state and local authorities either cannot or will not investigate or prosecute such crimes accordingly. All hate crimes need to be taken seriously because they have a crippling effect on not only the victim, but on entire communities.

Please contact Aimee Baldillo, Director of Programs, at 202.296.2300 ext. 112 with any questions. Thank you in advance for your support.

Sincerely,

A handwritten signature in black ink that reads "Karen K. Narasaki". The signature is written in a cursive style.

| Karen K. Narasaki
President and Executive Director



Support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913)

April 3, 2009

Dear Representative:

On behalf of the more than 100,000 bipartisan members of the American Association of University Women, I **urge you to cosponsor the Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913)**, which was introduced yesterday by Representatives John Conyers (D-MI) and Mark Kirk (R-IL). Passed in both the House and Senate during the 110th Congress, this critical piece of legislation will provide much-needed protections and tools to combat – and help eliminate – hate and bias crimes. Hate crimes are serious, well-documented problems that remain inadequately prosecuted and recognized. Through this legislation, AAUW urges Congress to send a clear signal that hate-motivated violence carried out against any individual will not be tolerated.

Existing federal hate crimes laws authorize federal involvement in the prosecution of non-federal hate crimes only when the victim was targeted because of race, color, religion, or national origin. The Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) would fill a gap in current law by allowing the Department of Justice to also investigate and prosecute certain crimes motivated by the victim's actual or perceived sexual orientation, gender, gender identity, or disability. These protections are necessary for women who are not currently protected by the justice system. While local law enforcement has made progress in responding to crimes such as domestic violence, rape, and sexual assault, state and local prosecutors and judges may not be able to adequately prosecute gender-motivated hate crimes. In these cases, an unacceptable response by police or prosecutors can leave survivors of sexual and domestic violence vulnerable. By strengthening protections against bias-motivated crimes and removing some restrictions on when the federal government can assist local authorities in the prosecution of hate crimes, fewer of these disturbing cases will slip through the cracks.

AAUW believes that while states should continue to play the primary role in the prosecution of hate crime violence, the federal government must be able to address cases that local authorities are either unable or unwilling to investigate and prosecute. Under the LLEHCPA, local law enforcement officials would continue to prosecute most gender-motivated hate crimes, but the bill will make sure there is a better response in the cases of gender-based hate crimes when local authorities either cannot act or fail to do so. This legislation does not make every violent crime against women a bias crime, just as not every crime against an African-American is based on racial prejudice. Federal courts already routinely assess the question of gender motivation in the context of workplace discrimination claims and under other civil rights laws. Prosecutors and judges can rely on the same type of analysis that would pertain to the other protected groups – considering the language, nature and severity of the attack, motive, patterns of behavior, and common sense – to determine whether a violent crime was motivated by gender bias.

Once again, AAUW **urges you to cosponsor the Local Law Enforcement Hate Crimes Prevention Act of 2009**. If you have any questions, please contact me at 202/785-7793, or Tracy Sherman, government relations manager, at 202/785-7730. Cosponsorship and votes associated with these issues may be included in the AAUW Congressional Voting Record for the 111th Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Maatz", written in a cursive style.

Lisa M. Maatz
Director, Public Policy and Government Relations



PROTECT BOTH CIVIL RIGHTS AND FREE SPEECH AND ASSOCIATION

Co-Sponsor H.R. 1913, THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

April 16, 2009

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TREASURER

RE: Co-Sponsor H.R. 1913, the Local Law Enforcement
Hate Crimes Prevention Act of 2009

Dear Representative:

The American Civil Liberties Union strongly urges you to co-sponsor H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. The legislation provides important new civil rights protections, while also providing an unprecedented level of statutory protection for free speech and association.

H.R. 1913 would make several important changes in federal civil rights law. It would provide new federal authority for investigating and prosecuting criminal civil rights violations, while also including strong protections for speech and association. Specifically, the bill would remove existing jurisdictional obstacles to the federal government prosecuting certain violent acts based on race, color, national origin, and religion, and also create new authority for the federal government to prosecute certain violent acts based on gender, sexual orientation, gender identity, and disability.

As important as this new authority is for protecting civil rights, the ACLU's support has been contingent on a specific evidentiary provision that prohibits the use of evidence of a defendant's speech or association unless specifically related to the crime. This evidentiary provision would be the strongest protection for free speech in the entire federal criminal code.

H.R. 1913 Protects Both Civil Rights and Free Speech

The ACLU has a long history of supporting civil rights legislation, including legislation responding to criminal civil

rights violations. At the same time, no other organization in the country has a longer and more consistent record in protecting the freedoms embodied in the First Amendment to the Constitution.

For nearly a decade after the hate crimes legislation was first introduced in 1997, the ACLU withheld support for the bill out of concern that, unless amended to block evidence of speech and association not specifically related to a crime, it could chill constitutionally protected speech. That problem was fixed in 2005, and the ACLU strongly supports the legislation as protecting both civil rights and free speech and association. The language is identical to the bill that passed the House by a vote of 237-180 in the 110th Congress.

In fact, we are pleased that House Judiciary Committee Chairman John Conyers and more than 40 bipartisan co-sponsors included in the legislation a new evidentiary section that will be the strongest protection against the misuse of a person's free speech that Congress has enacted as part of the federal criminal code. No other section of the criminal code has an explicit provision prohibiting the use of a defendant's speech or association unless it was specifically related to the violent crime. This extraordinary and unprecedented provision will ensure that the hate crimes legislation will not chill constitutionally protected speech or association.

As a result, the ACLU is strongly urging support for this bill expanding the federal criminal civil rights statutes – so that there will be expanded federal jurisdiction to prosecute criminal civil rights violations when state and local governments are unwilling or unable to prosecute. The hate crimes bill accomplishes this goal by providing a stronger federal response to criminal civil rights violations, but tempering it with clear protections for free speech and association.

Important Provision on Free Speech and Association

The ACLU has a long record of support for stronger protection of both free speech and civil rights. Those positions are not inconsistent. In fact, vigilant protection of free speech rights historically has opened the doors to effective advocacy for expanded civil rights protections.

Sixteen years ago, the ACLU submitted a brief to the Supreme Court urging the Court to uphold a Wisconsin hate crimes sentencing enhancement statute as constitutional. However, the ACLU also asked the Court “to set forth a clear set of rules governing the use of such statutes in the future.” The ACLU warned the Court that “if the state is not able to prove that a defendant's speech is linked to specific criminal behavior, the chances increase that the state's hate crime prosecution is politically inspired.” The evidentiary provision in the House bill will help avoid that harm.

The ACLU appreciates the sponsors' inclusion of the evidentiary provision that prevents the hate crimes legislation from having any potentially chilling effect on constitutionally protected speech. The evidentiary subsection in the bill provides that:

In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced

as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing the impeachment of a witness.

This provision will reduce or eliminate the possibility that the federal government could obtain a criminal conviction on the basis of evidence of speech that had no role in the chain of events that led to any alleged violent act proscribed by the statute.

This provision in the House bill almost exactly copies a paragraph in the Washington State hate crimes statute.¹ This Washington State language is not new; the paragraph was added to the Washington State statute as part of an amendment in 1993. The ACLU has conferred with litigators involved in hate crimes cases in Washington State. They report no complaints that the provision inappropriately impedes prosecutions.

On its face, the hate crimes bill punishes only the conduct of intentionally selecting another person for violence because of that person's race, color, national origin, religion, gender, sexual orientation, gender identity, or disability. The prosecution must prove the conduct of intentional selection of the victim. Thus, the hate crimes bill, like the present principal criminal civil rights statute, 18 U.S.C. § 245 ("section 245"), punishes discrimination (an act), not bigotry (a belief).

The federal government usually proves the intentional selection element of section 245 prosecutions by properly introducing ample evidence related to the chain of events. For example, in a section 245 prosecution based on race, a federal court of appeals found that the prosecution met its burden of proving that the defendant attacked the victim because of his race by introducing admissions that the defendant stated that "he had once killed a nigger queen," that he attacked the victim "[b]ecause he was a black fag," and by introducing evidence that the defendant allowed a white gay man to escape further attack, but relentlessly pursued the African American gay victim.²

Although the Justice Department has argued that it usually avoids attempting to introduce evidence proving nothing more than that a person holds racist or other bigoted views, it has at least occasionally introduced such evidence. In at least one decision, a federal court of appeals expressly found admissible such evidence that was wholly unrelated to the chain of events that resulted in the violent act.³ The court upheld the admissibility of a tattoo of a skinhead group on the inside lip of the defendant because "[t]he crime in this [section 245] case involved elements of racial hatred."⁴ The tattoo was admissible even in the absence of any evidence in the decision linking the skinhead group to the violent act.

The decision admitting that evidence of a tattoo confirmed our concerns expressed in the ACLU's brief filed with the Supreme Court in support of the Wisconsin hate crimes penalty enhancement statute. In asking for guidance from the Court on the applicability of such statutes,

¹ Wash. Rev. Code § 9A.36.080(4)

² Bledsoe, 728 F.2d at 1098.

³ United States v. Dunnaway, 88 F.3d 617 (8th Cir. 1996)

⁴ Id. at 618

the ACLU stated its concern that evidence of speech should not be relevant unless “the government proves that [the evidence] is directly related to the underlying crime and probative of the defendant’s discriminatory intent.” The ACLU brief urged that, “[a]t a minimum, any speech or association that is not contemporaneous with the crime must be part of the chain of events that led to the crime. Generalized evidence concerning the defendant’s racial views is not sufficient to meet this test.”

The evidentiary provision in the House hate crimes bill is important because, without it, we could see more evidence of unrelated speech admitted in hate crime prosecutions. Many of the arguments made in favor of hate crimes legislation today are very different than the arguments made in favor of enacting section 245 41 years ago. At that time, the focus was on giving the federal government jurisdiction to prosecute numerous murders of African Americans, including civil rights workers, which had gone unpunished by state and local prosecutors. The intent was to have a federal backstop to state and local law enforcement.

The problem today is that there is an increasing focus on “combating hate,” fighting “hate groups,” and identifying alleged perpetrators by their membership in such groups - even in the absence of any link between membership in the group and the violent act. Those arguments are very different from the arguments made in support of section 245 when it passed as an important part of the historic Civil Rights Act of 1968.

The evidentiary provision removes the danger that - after years of debate focused on combating “hate”- courts, litigants, and jurors applying a federal hate crimes statute could be more likely to believe that speech-related evidence that is unrelated to the chain of events leading to a violent act is a proper basis for proving the intentional selection element of the offense. The provision will remove the temptation for prosecutors to try to prove the selection element by showing “guilt by association” with groups whose bigoted views we may all find repugnant, but which may have had no role in committing the violent act. We should add that evidence of association could also just as easily focus on many groups representing the very persons that the hate crimes bill should protect.⁵ The evidentiary provision in the House bill precludes all such evidence from being used to prove the crime, unless it specifically related to the violent offense.

⁵ For example, many of the principal First Amendment association decisions arose from challenges to governmental investigations of civil rights and civil liberties organizations. See, e.g., Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539 (1962) (holding that the NAACP could refuse to disclose its membership list to a state legislature investigating alleged Communist infiltration of civil rights groups); Bates v. City of Little Rock, 361 U.S. 516 (1960) (reversing a conviction of NAACP officials who refused to comply with local ordinances requiring disclosure of membership lists); NAACP v. State of Alabama, 357 U.S. 449 (1958) (holding as unconstitutional a judgment of contempt and fine on the NAACP for failure to produce its membership lists); New Jersey Citizen Action v. Edison Township, 797 F.2d 1250 (3rd Cir. 1986) (refusing to require the fingerprinting of door-to-door canvassers for a consumer rights group), cert. denied, sub nom. Piscataway v. New Jersey Citizen Action, 479 U.S. 1103 (1987); Familias Unidas v. Briscoe, 619 F.2d 391 (5th Cir. 1980) (refusing a request to compel the disclosure of the membership list of a public school reform group); Committee in Solidarity with the People of El Salvador v. Sessions, 705 F.Supp. 25 (D.D.C. 1989) (denying a request for preliminary injunction against FBI’s dissemination of information collected on foreign policy group); Alliance to End Repression v. City of Chicago, 627 F.Supp. 1044 (1985) (police infiltrated and photographed activities of a civil liberties group and an anti-war group).

The evidentiary provision in the House hate crimes bill is not overly expansive. The provision will bar only evidence that had no specific relationship to the underlying violent offense. It will have no effect on the admissibility of evidence of speech that bears a specific relationship to the underlying crime - or evidence used to impeach a witness. Thus, the proposal will not bar all expressions or associations of the accused. It is a prophylactic provision that is precisely tailored to protect against the chilling of constitutionally protected free speech.

The Persistent Problem of Criminal Civil Rights Violations

The ACLU supports H.R. 1913 because we have long supported providing remedies against invidious discrimination and have long urged that discrimination by private persons be made illegal when it excludes persons from access to fundamental rights or from the opportunity to participate in the political or social life of the community. The serious problem of crime directed at members of society because of their race, color, religion, gender, national origin, sexual orientation, gender identity, or disability merits legislative action. Those crimes convey a constitutionally unprotected threat against the peaceable enjoyment of public places to members of the targeted group.

Pursuant to the Hate Crime Statistics Act, the Federal Bureau of Investigation annually collects and reports statistics on the number of bias-related criminal incidents reported by local and state law enforcement officials. For 2007, based on reports from state and local law enforcement agencies, the FBI reported 7,624 incidents covered by the Act.⁶ 3,870 of those incidents were related to race, 1,400 to religion, 1,265 to sexual orientation, 1,007 to ethnicity or national origin, 79 to disability, and 3 related to multiple-biases.

Existing federal law does not provide any separate offense for violent acts based on race, color, national origin, or religion, unless the defendant intended to interfere with the victim's participation in certain enumerated activities.⁷ During hearings in the Senate and House of Representatives, advocates for racial, ethnic, and religious minorities presented substantial evidence of the problems resulting from the inability of the federal government to prosecute crimes based on race, color, national origin, or religion without any tie to an enumerated activity. Those cases include violent crimes based on a protected class, which state or local officials either inadequately investigated or declined to prosecute.

In addition, existing federal law does not provide any separate offense whatsoever for violent acts based on sexual orientation, gender, gender identity, or disability. The exclusion of sexual orientation, gender, gender identity, and disability from section 245 of the criminal code can have bizarre results. For example, in an appeal by a person convicted of killing an African-American gay man, the defendant argued that "the evidence established, if anything, that he beat [the victim] because he believed him to be a homosexual and not because he was black."⁸ Among the evidence that the court cited in affirming the conviction because of violence based on race was testimony that the defendant killed the African-American gay victim, but allowed a

⁶ <http://www.fbi.gov/ucr/hc2007/summary.htm>

⁷ 18 U.S.C.A. § 245(b)(2)

⁸ United States v. Bledsoe, 728 F.2d 1094, 1098 (8th Cir. 1984), cert. denied, 469 U.S. 838 (1984)

white gay man to escape.⁹ Striking or killing a person solely because of that person's sexual orientation would not have resulted in a conviction under that federal statute.

In addition to the highly publicized accounts of the deaths of Matthew Shepard and Billy Jack Gaither, other reports of violence because of a person's sexual orientation or gender identity include:

- An account by the Human Rights Campaign of "[a] lesbian security guard, 22, [who] was assigned to work a holiday shift with a guard from a temporary employment service. He propositioned her repeatedly. Finally, she told him she was a lesbian. Issuing anti-lesbian slurs, he raped her."

- A report by Mark Weinress, during an American Psychological Association briefing on hate crimes, of his beating by two men who yelled "we kill faggots" and "die faggots" at the victim and his partner from the defendants' truck, chased the victims on foot while shouting "death to faggots," and beat the victims with a billy club while responding "we kill faggots" when a bystander asked what the defendants were doing.

- A report by the National Gay and Lesbian Task Force of a letter from a person who wrote that she "was gang-raped for being a lesbian. Four men beat me, spat on me, urinated on me, and raped me When I reported the incident to Fresno police, they were sympathetic until they learned I was homosexual. They closed their book, and said, 'Well, you were asking for it.'"

- An article in the *Washington Post* about five Marines who left the Marine Barracks on Capitol Hill to throw a tear gas canister into a nearby gay bar. Several persons were treated for nausea and other gas-related symptoms.

The problem of crimes based on gender is also persistent. For example, two women cadets at the Citadel, a military school that has only recently opened its doors to female students, were singled out and "hazed" by male cadets who did not believe that women had a right to be at the school. Male cadets allegedly sprayed the two women with nail polish remover and then set their clothes ablaze, not once, but three times within a two month period. One male cadet also threatened one of the two women by saying that he would cut her "heart out" if he ever saw her alone off campus.

Federal legislation addressing such criminal civil rights violations is necessary because state and local law enforcement officers are sometimes unable or unwilling to prosecute those crimes because of either inadequate resources or their own bias against the victim. The prospect of such failure to provide equal protection of the laws justifies federal jurisdiction.

For example, state and local law enforcement officials have often been hostile to the needs of gay men and lesbians. The fear of state and local police - which many gay men and lesbians share with members of other minorities - is not unwarranted. For example, until recently, the Maryland state police department refused to employ gay men or lesbians as state police officers. In addition, only blocks from the Capitol a few years ago, a District of Columbia

⁹ *Id.* at 1095, 1098

police lieutenant who headed the police unit that investigates extortion cases was arrested by the FBI for attempting to extort \$10,000 from a man seen leaving a gay bar. Police officers referred to the practice as “fairy shaking.” The problem is widespread. In fact, the National Coalition of Anti-Violence Programs reports several hundred anti-gay incidents allegedly committed by state and local law enforcement officers annually. The federal government clearly has an enforcement role when state and local governments fail to provide equal protection of the laws.

We strongly urge you to co-sponsor the Local Law Enforcement Hate Crimes Prevention Act of 2009. Please do not hesitate to call us at (202) 675-2308 if you have any questions regarding this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Fredrickson', with a long horizontal flourish extending to the right.

Caroline Fredrickson
Director, Washington Legislative Office

A handwritten signature in black ink, appearing to read 'Christopher Anders', with a long horizontal flourish extending to the right.

Christopher Anders
Senior Legislative Counsel



Americans for Democratic Action

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Where it's more than just politics. It's about taking a stand.

April 9, 2009

Dear Representative:

Americans for Democratic Action, Inc. (ADA) supports the reintroduced hate crimes bill, Local Law Enforcement Hate Crime Prevention Act (LLEHCPA), which will give local communities the valuable support they need to combat violence engendered by hatred. This bill expands coordination between federal and state law enforcement officials to address such crimes.

LLEHCPA would strengthen federal hate crime laws by allowing the Department of Justice to assist local authorities in investigating and prosecuting bias-motivated crimes. ADA is pleased that this new version of the Hate Crimes bill would provide authority for the federal government to facilitate the investigation and prosecution of some individuals involved in violent, bias-motivated crimes directed against individuals on the basis of their sexual orientation, gender, gender identity or disability.

LLEHCPA would give law enforcement important tools to combat bias-motivated crime ensuring that these crimes are investigated and prosecuted. Government has a duty to protect and defend its citizens and to come to the aid of people who have been mistreated. Violence of any sort is unacceptable but violence motivated by bias and hate is particularly heinous.

Current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin only when the victim is targeted because he/she is engaged in a federally protected activity, such as voting.

This legislation, identical to the version approved in the 110th Congress, will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing unduly rigid jurisdictional requirements. The bill only applies to bias-motivated violent crimes and does not impinge public speech or writing in any way.

ADA urges you to support and enact this necessary legislation.

Sincerely,

National Director



American-Arab Anti-Discrimination Committee
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In Memoriam

Hala Salaam Maksoud, PhD
(1943-2002)
Alex Odeh
(1944-1985)

April 10, 2009

Dear Representative:

On behalf of the American-Arab Anti-Discrimination Committee (ADC), the largest grassroots Arab-American civil rights organization, I am writing to urge your support for H.R. 1913, the Local Law Enforcement Hate Crime Prevention Act (LLEHCPA) when it comes to the House Floor for a vote. The bill was reintroduced on April 2, 2009.

LLEHCPA is crucial in strengthening existing federal hate crime laws. First, the bill would eliminate the serious limitation on federal involvement under existing law, mainly the requirement that federal prosecution of a hate crime would occur only if the victim of a bias-motivated crime is attacked because the victim was engaged in a federally-protected activity-such as attending school, voting or serving on a jury. Second, LLEHCPA would expand existing federal hate crimes law to include protection to those victimized due to actual or perceived sexual orientation, gender, gender-identity or disability.

By removing this requirement and expanding the protection, the federal government would be able to assist state and local law enforcement in investigating and prosecuting hate crimes and become involved when "local government ... lacks the resources necessary to investigate or prosecute the hate crime." LLEHCPA would also provide assistance to rural jurisdictions "that have difficulty covering the extraordinary expenses related to the investigation and prosecution of hate crimes." Moreover, LLEHCPA authorize funding to "train local law enforcement officers in indentifying, investigating, prosecuting, and preventing hate crimes."

The Arab-American community has been the target of violent hate crimes since 9/11. In the first few weeks after the terrorist attacks, ADC documented over 700 violent incidents directed towards Arab-Americans. Though hate crimes against Arab-Americans have steadily decreased since the immediate aftermath after 9/11, they remain higher than before 9/11. Many of these hate crimes occur in places where local law enforcement lack the adequate resources to investigate and prosecute, particularly in rural areas. LLEHCPA would thus provide much-needed support to investigate and prosecute these crimes.

Finally, LLEHCPA has repeatedly received strong bipartisan support since its original introduction in 1997. The bill has not only garnered strong public support, but also the support of more than 300 law enforcement, civil rights, civic and religious organizations. Please show your support to the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Sincerely,

Kareem W. Shora, JD, LL.M.
National Executive Director



Director
JESS N. HORDS

Associate Director
STACY BURDETT

Washington Counselor
MICHAEL LIEBERMAN

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KENNETH JACOBSON

April 27, 2009

Dear Representative:

On behalf of the Anti-Defamation League, we are writing to urge you to support H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. This legislation, a top priority for the Anti-Defamation League in the 111th Congress, would strengthen existing federal hate crime laws by authorizing the Department of Justice to assist local authorities in investigating and prosecuting certain bias-motivated crimes. The bill would also provide authority for the federal government to prosecute some violent bias-motivated crimes directed against individuals on the basis of their sexual orientation, gender, gender identity, or disability. Current federal law does not provide sufficient authority for involvement in these cases.

This measure has repeatedly attracted majority, bipartisan support in both the Senate and the House. On May 3, 2007, the House of Representatives approved this legislation, HR 1592, by a vote of 237-180. Despite the support of 60 Senators, a veto threat from President Bush stalled progress in the last Congress.

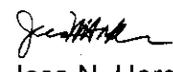
The bill has been endorsed by over 275 national civil rights, professional, civic, education, and religious groups, twenty-six state Attorneys General, and a number of the most important national law enforcement organizations in America – including the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National District Attorneys Association, the National Organization of Black Law Enforcement Executives, the National Sheriffs' Association, and the Police Executive Research Forum.

Forty-five states and the District of Columbia now have enacted hate crime laws – many based on a model drafted by the Anti-Defamation League. But a significant number of states do not include coverage of crimes based on sexual orientation, gender, gender identity, or disability in their statutes. State and local authorities will continue to investigate and prosecute the overwhelming majority of hate crime cases. But this essential legislation will provide a necessary backstop to state and local enforcement by permitting federal authorities to provide assistance in these hate crime investigations – and by allowing federal prosecutions when state and local authorities are unable or unwilling to act.

We urge you to support H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. Please do not hesitate to contact our office if you have questions about this legislation or if we can be helpful in any way.

Sincerely,


Michael Lieberman
Washington Counselor


Jess N. Hordes
Washington Director



American Jewish Committee

Office of Government and International Affairs

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RE: H.R.1913, Local Law Enforcement Hate Crimes Prevention Act of 2009

April 27, 2009

Dear Representative:

I write on behalf of the American Jewish Committee, the nation's oldest human relations organization, representing more than 175,000 members and supporters nationwide, to urge you to vote for H.R.1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Hate crimes pose a serious threat to our nation's security and the values upon which this country was founded. This legislation would help curb such horrible crimes by broadening federal hate crimes law to cover cases in which the victim is targeted based on sexual orientation, gender, gender identity, or disability status. Unlike incidents where the defendant causes or attempts to cause injury based on the victim's race, color, religion or national origin, current federal law does not provide authority for any involvement in the former types of cases.

Further, this bill would strengthen the efficacy of our law enforcement system by promoting increased cooperation—both financial and forensic—between local, state and federal authorities to ensure that hate crimes offenders are brought to justice. While we believe that states should continue to play the primary role in prosecuting violent hate crimes, this legislation will better position federal officials to assist state and local authorities in responding to such offenses by amending federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. In addition, this bill would enhance the ability of federal authorities to act in those rare instances where state or local officials fail to do so appropriately.

H.R.1913 has been carefully crafted to avoid any violation of First Amendment protections of offenders. This legislation would not restrict speech, but rather would target crimes in which a victim is selected based on his or her perceived identity.

Thank you for considering our views on this crucial matter.

Respectfully,

Richard T. Foltin

Director of National and Legislative Affairs



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

April 17, 2009

Dear Representative:

On behalf of the 150,000 members and affiliates of the American Psychological Association (APA), I am writing to urge you to co-sponsor the “**Local Law Enforcement Hate Crimes Prevention Act of 2009**” (H.R. 1913).

Hate crime is a serious societal problem that remains inadequately recognized and prosecuted. Current federal law authorizes federal involvement in the prosecution of non-federal hate crimes only when the victim is targeted because of race, color, religion, or national origin. The Local Law Enforcement Hate Crimes Prevention Act would take several important steps toward improving our nation’s response to hate crime, including expanding current federal law to recognize crimes motivated by actual or perceived sexual orientation, gender, gender identity, or disability; enabling the federal government to address those cases that other jurisdictions are either unable or unwilling to investigate and prosecute; and expanding the scope of data collection and reporting guidelines regarding hate crime.

APA members are actively engaged in a variety of research and clinical efforts focused on both the targets and perpetrators of prejudice, discrimination, and bias-motivated crime. Evidence suggests that hate crimes can have serious consequences for the mental health and well being of victims and communities. These negative effects are more prevalent among survivors of bias-motivated crimes than other crimes, and may be longer-lasting.

We urge you to help in combating bias-motivated crime by supporting the Local Law Enforcement Hate Crimes Prevention Act. If we can be of further assistance, please feel free to contact Diane Elmore, PhD, MPH, in our Government Relations Office at (202) 336-6104 or delmore@apa.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Keita".

Gwendolyn Puryear Keita, Ph.D.
Executive Director
Public Interest Directorate

750 First Street, NE
Washington, DC 20002-4242
(202) 336-5500
(202) 336-6123 TDD



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Web: www.apa.org



HUMAN
RIGHTS
CAMPAIGN®

March 24, 2009

Dear Representative:

On behalf of the Human Rights Campaign and over 750,000 members and supporters nationwide, we are writing today to urge you to support the **Local Law Enforcement Hate Crimes Prevention Act** when it comes to the House floor for a vote.

The Local Law Enforcement Hate Crimes Prevention Act has strong bipartisan support. In the 110th Congress, it had the bipartisan support of 171 cosponsors and was passed by the House on May 3, 2007, with a vote of 237-180 including 25 Republicans. The Senate has previously supported substantially similar legislation on three separate occasions by wide bipartisan margins, most recently as an amendment to the 2008 Department of Defense Authorization bill. In addition to public opinion polling that consistently finds the overwhelming majority of Americans in support of such legislation, the Local Law Enforcement Hate Crimes Prevention Act has the support of more than 300 law enforcement, civil rights, civic and religious organizations.

Since the Federal Bureau of Investigation (FBI) began collecting hate crimes statistics in 1991, reported bias motivated crimes based on sexual orientation more than tripled; yet the federal government has no jurisdiction to assist states and localities in dealing with even the most violent hate crimes against lesbian, gay, bisexual and transgender Americans. The FBI's 2007 Uniform Crime Reports – the most recent year we have statistics -- showed that reported violent crimes based on sexual orientation constituted 16.6 percent of all hate crimes in 2007, with 1,265 reported for the year.

By passing this common sense anti-hate crime measure, we would bring our nation's laws into the 21st century. The Local Law Enforcement Hate Crimes Prevention Act is a logical extension of existing federal law. Since 1969, 18 U.S.C. §245 has permitted federal prosecution of a hate crime if the crime was motivated by bias based on race, religion, national origin, or color, *and* because the victim was exercising a "federally protected right" (e.g. voting, attending school, etc.). After forty years, it has become clear that the statute needs to be amended.

This bill adds actual or perceived sexual orientation, gender, disability and gender-identity to the list of covered categories and removes the federally protected activity requirement, thus bringing a much needed comprehensiveness to federal law. Removing the outdated intent requirement would untie the federal government's hands and allow them to partner with state and local officials in combating serious hate crimes that involve death and bodily injury.

We urge you to become an original sponsor this historic piece of legislation. For more information, contact us at 202-628-4160. Thank you.

Sincerely,

David M. Smith
Vice President of Policy and Strategy

Allison Herwitt
Legislative Director



**INTERFAITH
ALLIANCE**
PROTECTING FAITH AND FREEDOM

April 27, 2009

Dear Representative,

As the president of Interfaith Alliance, a clergy-led organization with more than 185,000 members dedicated to religious liberty and pluralism, **I am writing to urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA-H.R 1913)**. By passing this bill, Congress can express with one voice its commitment to ending brutal, hate-motivated violence.

As people of diverse beliefs, we know that while legislation alone cannot remove hate from the hearts and minds of individuals, hate crimes legislation can help to create a society where hate-motivated violence is deemed intolerable. While a few religious voices, wrongly claiming to represent the view of all religious people, continue attempts to defeat hate crimes legislation, those of us who value religious pluralism and practice interfaith cooperation must not waver in sending a strong, unified message condemning prejudice and supporting hate crimes legislation.

As you may know, current law permits federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or ethnicity, and the assailant intended to prevent the victim from exercising a “federally protected right.” LLEHCPA would expand federal jurisdiction to reach violent hate crimes committed “because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, or disability” of the victim.

The sacred scriptures of many different religious traditions speak with dramatic unanimity on the subject of intolerance. Everyone in this society should enjoy the strongest possible guarantee of freedom from attacks motivated by bigotry. If we aspire to be true to the prophetic core of our many faiths, we cannot condemn hate and then sit idly by while it destroys our communities. We believe that we must work together to create a society in which diverse people are safe as well as free.

Again, we urge you to support H.R. 1913. If there is anything that we at Interfaith Alliance can do to assist you in this important matter, please do not hesitate to contact Jay Keller, National Field Director at 202-238-3281.

Sincerely,

Rev. Dr. C. Welton Gaddy
President, The Interfaith Alliance
Pastor of Preaching and Worship, North Minster Baptist Church (Monroe, LA)

National Member Agencies

American Jewish Committee
American Jewish Congress
Anti-Defamation League
B'nai B'rith
Hadassah
Jewish Labor Committee
Jewish Reconstructionist Federation
Jewish War Veterans
National Council
of Jewish Women
Union for Reform Judaism
Union of Orthodox Jewish
Congregations of America
United Synagogue
of Conservative Judaism
Women's American ORT
Women's League
for Conservative Judaism

April 23, 2009

Dear Representative:

On behalf of the Jewish Council for Public Affairs (JCPA), I write to urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA), H.R. 1913, introduced by Representatives John Conyers (D-MI), Mark Kirk (R-IL), Barney Frank (D-MA), Judy Biggert (R-IL), Tammy Baldwin (D-WI), Ileana Ros-Lehtinen (R-FL), Jerrold Nadler (D-NY) Mary Bono Mack (R-CA), and Jared Polis (D-CO). The JCPA is the American Jewish Community's umbrella agency for multi-issue organizations engaged in public policy and community relations. Our membership includes 14 national organizations and 125 local affiliates. We work with government representatives, the media, and a wide array of religious, ethnic, and civic organizations to address a broad range of public policy concerns and share the Jewish community's consensus perspectives.

The LLEHCPA is a necessary piece of legislation that would improve the federal hate crimes laws by more effectively covering vulnerable populations. The definition of a hate crime would be expanded to include those violent offenses motivated by the victim's actual or perceived sexual orientation, gender identity, gender, or disability. This legislation would also provide additional resources to local law enforcement agencies to combat bias-motivated crimes. Lastly, LLEHCPA would remove the current requirement that a hate crime be committed while the victim is engaged in a specific federally-protected activity in order to be prosecuted. This back-stop authority would ensure that justice is pursued even when local authorities are unable or unwilling to do so independently. JCPA believes that while states should continue to play the primary role in the prosecutions of hate crime violence, the federal government must be able to address cases when local authorities are either unable or unwilling to fully pursue justice.

Hate crimes are deeply disturbing and have profound effects in the community. The Jewish Community is sensitive to these concerns. Our own history has made us acutely aware of the impact and devastation caused by these bias motivated crimes. No community should face these atrocities. For example, in 1999, the attack on the North Valley Jewish Community Center in Granada Hills, California sent shock waves throughout the entire American Jewish community:



this was not a random shooting in Los Angeles, it was a deliberate attack against Jews in the United States. In 2006, the Jewish Federation Building in Seattle was attacked by gunman killing 1 woman and wounding another 5 people. Again, this was a purposeful and deliberate attack.

The LLEHCPA will send a clear message that crimes motivated by prejudice will not be tolerated in our society. Bias-motivated crimes committed against any individual hurt not only that person but also chip away at the very pillars of liberty, pluralism and dignity that support American democracy.

We again urge you to support this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Gutow". The signature is fluid and cursive, with the first name "Steve" and the last name "Gutow" clearly distinguishable.

Rabbi Steve Gutow
President

April 7, 2009

Dear Representative:

On behalf of CenterLink and the 170 community centers we represent across the country, I urge you to support the **Local Law Enforcement Hate Crimes Prevention Act** when it comes to the House floor for a vote.

The Local Law Enforcement Hate Crimes Prevention Act has strong bipartisan support. In the 110th Congress, it had the bipartisan support of 171 cosponsors and was passed by the House on May 3, 2007, with a vote of 237-180 including 25 Republicans. The Senate has previously supported substantially similar legislation on three separate occasions by wide bipartisan margins, most recently as an amendment to the 2008 Department of Defense Authorization bill. In addition to public opinion polling that consistently finds the overwhelming majority of Americans in support of such legislation, the Local Law Enforcement Hate Crimes Prevention Act has the support of more than 300 law enforcement, civil rights, civic and religious organizations.

CenterLink was founded in 1994 as a member-based coalition to support the development of strong, sustainable lesbian, gay, bisexual and transgender (LGBT) community centers. These centers represent over 650,000 individuals and serve a vital and multi-faceted role in many communities across the country. They are often the only staffed non-profit LGBT presence in the area and the first point of contact for people seeking information, coming out, accessing services or organizing for social change. Centers regularly act as the support network for individuals who are the victims of biased motivated crimes based on sexual orientation and gender identity.

The FBI's 2007 Uniform Crime Reports – the most recent year we have statistics -- showed that reported violent crimes based on sexual orientation constituted 16.6 percent of all hate crimes in 2007, with 1,265 reported for the year. The Local Law Enforcement Hate Crimes Prevention Act is of the utmost importance to LGBT individuals across the country. This bill has strong public support and bipartisan support in Congress. The time has come for Congress to expand and strengthen existing hate crimes law. Please show your support for this vital legislation.

Sincerely,



Terry Stone
Executive Director

African American Ministers in Action • Alliance of Baptists • American-Arab Anti-Discrimination Committee • American Conference of Cantors • American Islamic Congress • American Jewish Committee • Anti-Defamation League • B'nai B'rith International • Central Conference of American Rabbis • Disciples Justice Action Network • The Episcopal Church • Equal Partners in Faith • FaithTrust Institute • Friends Committee on National Legislation • Hadassah, the Women's Zionist Organization of America • Interfaith Alliance • Islamic Society of North America • Jewish Council for Public Affairs • Jewish Labor Committee • Jewish Reconstructionist Federation • Jewish Women International • Maryknoll Office for Global Concerns • Methodist Federation for Social Action • Metropolitan Community Churches • Muslim Advocates • Muslim Public Affairs Council • NA'AMAT • National Advocacy Center of the Sisters of the Good Shepherd • National Council of Jewish Women • NETWORK: A National Catholic Social Justice Lobby • North American Federation of Temple Youth • Presbyterian Church (U.S.A.) Washington Office • Rabbinical Assembly • Religious Institute on Sexual Morality, Justice, and Healing • Sikh American Legal Defense and Education Fund • Sikh Coalition • Sikh Council on Religion and Education (SCORE) • Union for Reform Judaism • Unitarian Universalist Association of Congregations • United Church of Christ, Justice and Witness Ministries • United Methodist Church, General Board of Church and Society • United Methodist Church, General Commission on Religion and Race • UNITED SIKHS • United Synagogue of Conservative Judaism • Women of Reform Judaism

April 8, 2009

Dear Representative,

As representatives of a diverse array of religious communities, we write to urge you to co-sponsor and vote in support of the Local Law Enforcement Hate Crimes Prevention Act—H.R. 1913 (LLEHCPA). In the 110th Congress, the House approved similar legislation on May 3, 2007 with a bipartisan majority of 237-180.

Hate is neither a religious nor American value. The sacred scriptures of many different faith traditions speak with dramatic unanimity on the subject of hate. Crimes motivated by hatred or bigotry are an assault not only upon individual victims' freedoms, but also upon a belief that lies at the core of our diverse faith traditions -- that every human being is created in the image of God. While we recognize that legislation alone cannot remove hatred from the hearts and minds of individuals, the LLEHCPA will serve as a crucial step in building a society where hate-motivated crimes are deemed intolerable.

In 2007, the FBI documented 7,624 hate crimes directed against institutions and individuals because of their race, religion, sexual orientation, national origin, or disability. But these troubling statistics do not speak for themselves – because behind each and every one of these incidents are individuals, families, and communities deeply impacted by these crimes. The LLEHCPA will stream-line the process for the Department of Justice to assist local authorities to investigate and prosecute these cases –

and permit federal involvement in cases that occur because of a victim's gender, disability, gender identity or sexual orientation.

Existing federal law is inadequate to address the significant national problem of hate crimes. Not only does current law contain obstacles to effective enforcement, but it also does not provide authority to investigate and prosecute bias crimes based on disability, gender, gender identity or sexual orientation. We are morally obligated to call for laws to protect all Americans from hate-motivated violence.

The LLEHCPA does not in any way violate First Amendment protections. Hate crime laws do not restrict speech. Rather, they target only criminal conduct prompted by prejudice. Some critics of the LLEHCPA have erroneously asserted that enactment of the measure would prohibit the lawful expression of one's deeply held religious beliefs. These fears are unfounded. **The LLEHCPA does not punish, nor prohibit in any way, preaching or other expressions of religious belief, name-calling, or even expressions of hatred toward any group. It covers only violent actions that result in death or bodily injury.**

Although we believe that state and local governments should continue to have the primary responsibility for investigating and prosecuting hate crimes, an expanded federal role is necessary to ensure adequate and equitable response to these divisive crimes. The federal government must have authority to address those important cases in which local authorities are either unable or unwilling to investigate and prosecute.

Now is the time for Congress to publicly reaffirm its commitment to protect all Americans from such flagrant bias-motivated violence. As people of faith and leaders in the religious community, we are committed to eradicating the egregious hatred and violence which divides our society. We believe that the LLEHCPA is vital to this struggle, and we ask you to support its passage.

Respectfully,

African American Ministers in Action
Alliance of Baptists
American-Arab Anti-Discrimination Committee
American Conference of Cantors
American Islamic Congress
American Jewish Committee
Anti-Defamation League
B'nai B'rith International
Central Conference of American Rabbis
Disciples Justice Action Network
The Episcopal Church
Equal Partners in Faith
FaithTrust Institute
Friends Committee on National Legislation

Hadassah, the Women's Zionist Organization of America
Interfaith Alliance
Islamic Society of North America
Jewish Council for Public Affairs
Jewish Labor Committee
Jewish Reconstructionist Federation
Jewish Women International
Maryknoll Office for Global Concerns
Methodist Federation for Social Action
Metropolitan Community Churches
Muslim Advocates
Muslim Public Affairs Council
NA'AMAT
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
NETWORK: A National Catholic Social Justice Lobby
North American Federation of Temple Youth
Presbyterian Church (U.S.A.) Washington Office
Rabbinical Assembly
Religious Institute on Sexual Morality, Justice, and Healing
Sikh American Legal Defense and Education Fund
Sikh Coalition
Sikh Council on Religion and Education (SCORE)
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
United Methodist Church, General Commission on Religion and Race
UNITED SIKHS
United Synagogue of Conservative Judaism
Women of Reform Judaism



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

April 6, 2009

Dear Representative:

The undersigned member organizations of the Consortium for Citizens with Disabilities (CCD) are writing to urge your support for H.R. 1913, the Local Law Enforcement Hate Crime Prevention Act (LLEHCPA), reintroduced April 2, 2009. LLEHCPA would grant agencies the authority to investigate and prosecute federal crimes based on the victim's disability, whether actual or perceived, and would authorize funding to states to help with the prosecution of Hate Crimes.

Through much of our country's history and well into the twentieth century, people with disabilities -- including those with developmental delays, epilepsy, cerebral palsy and other physical and mental impairments -- were seen as useless and dependent, hidden and excluded from society, either in their own homes or in institutions. Now, this history of isolation is gradually giving way to inclusion in all aspects of society, and people with disabilities everywhere are living and working in communities alongside family and friends. But this has not been a painless process. People with disabilities often seem "different" to people without disabilities. They may look different or talk differently. They may require the assistance of a wheel-chair, a cane, or other assistive technologies. They may have seizures or have difficulty understanding seemingly simple directions.

These perceived differences evoke a range of emotions in others, from misunderstanding and apprehension to feelings of superiority and hatred. Bias against people with disabilities takes many forms, often resulting in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act are designed to protect people with disabilities from prejudice.

Perhaps most unfortunately, disability bias can also manifest itself in the form of violence — and it is imperative that a message be sent to our country that these acts of bias-motivated hatred are not acceptable in our society.

The federal government still has very limited authority to investigate and prosecute disability-bias **federal** crimes. In 1994, Congress enacted a penalty-enhancement law for **federal crimes** in which the defendant intentionally selects

a victim because of the person's "actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person" [28 USC 994 Note]. Also in 1994, Congress extended the Hate Crime Statistics Act of 1990, a law requiring the FBI to collect hate crime statistics from state and local law enforcement authorities, to include disability-based hate crimes. Still, hate crimes against those with disabilities remain vastly under-reported.

The LLEHCPA would broaden the definition of hate crimes to include disability, sexual orientation, gender and gender identity. It also makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers or to assist in state and local investigations and prosecutions of bias-motivated crimes.

Thirty-one states and the District of Columbia have already recognized the importance of this issue and have included people with disabilities as a protected class under their hate crimes statutes. However, protection is neither uniform nor comprehensive, and this has important practical and symbolic results. It is vital for the federal government to send the message that hate crimes committed because of disability bias are as intolerable as those motivated by race, ethnicity, national origin, or religion. The crucial resources provided to local law enforcement LLEHCPA would give meaning and substance to this important message. It is critical that people with disabilities share in the protection of the federal hate crimes statute.

Too frequently, bias-motivated crimes against those with disabilities have gone unreported and unprosecuted. The special problems associated with investigating and prosecuting hate violence against someone with a disability makes the availability of federal resources for state and local authorities all that much more important to ensure that justice prevails.

We urge you to support the Local Law Enforcement Hate Crime Prevention Act. This legislation is vitally important for the vulnerable population of individuals with disabilities, and must be enacted in order to bring the full protection of the law to those targeted for violent, bias-motivated crimes simply because they have a disability.

Sincerely,

Alexander Graham Bell Association for the Deaf and Hard or Hearing (AG Bell)

American Association on Health and Disability

American Association on Intellectual and Developmental Disabilities (AAIDD)

American Association of People with Disabilities (AAPD)

American Council of the Blind

American Counseling Association

American Diabetes Association
American Dance Therapy Association
American Medical Rehabilitation Providers Association (AMRPA)
American Music Therapy Association
American Network of Community Options and Resources (ANCOR)
American Occupational Therapy Association (AOTA)
American Psychological Association
American Therapeutic Recreation Association
American Rehabilitation Association
Association of Assistive Technology Act Programs (ATAP)
Association of University Centers on Disabilities (AUCD)
Autistic Self Advocacy Network
Autism Society of America
Bazelon Center for Mental Health Law
Brain Injury
Association of America
Council for Learning Disabilities
Council of Parent Attorneys and Advocates (COPAA)
Council of State Administrators of Vocational Rehabilitation
Disability Policy Collaboration
Disability Rights Education and Defense Fund
Disabled Action Committee
Easter Seals
Epilepsy Foundation
Helen Keller National Center
Higher Education Consortium for Special Education
Learning Disabilities Association of America
Mental Health America
National Alliance on Mental Illness (NAMI)
National Association of Councils on Developmental Disabilities (NACDD)
**National Association of County Behavioral Health and Developmental
Disability Directors**

National Association of the Deaf
National Association of School Psychologists
National Association of Social Workers
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Coalition on Deaf-Blindness
National Council on Independent Living
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Down Syndrome Society (NDSS)
National Fragile X Foundation
National Rehabilitation Association
National Organization of Social Security Claimants' Representatives
National Respite Coalition (NRC)
National Structured Settlement Trade Association (NSSTA)
NISH
Paralyzed Veterans of America (PVA)
Research Institute for Independent Living
School Social Work Association of America
Spina Bifida Association
TASH
The Arc of the United States
United Cerebral Palsy United Spinal Association
United Spinal Association
World Institute on Disability (WID)

The Consortium for Citizens with Disabilities is a Coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. (A list of members is available at www.c-c-d.org.) Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that America's 54 million children and adults with disabilities are fully integrated into the mainstream of society



National Council of Jewish Women

April 21, 2009

Dear Representative,

On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I am writing to urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009.

NCJW strongly supports the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA). A society's laws reflect the values of that society: our nation must unequivocally condemn acts of violence motivated by hate and prejudice.

As you may know, LLEHCPA would expand existing federal hate crimes law to include protections for those victimized because of real or perceived sexual orientation, gender, gender identity, or disability. Further, it would remove the overly burdensome obstacles standing in the way of federal prosecution. This would allow the federal government to assist local law enforcement in the investigation and prosecution of hate crimes or become involved when local law enforcement is either unable or unwilling. The Attorney General or other high-ranking Justice Department officials would be required to approve all federal prosecutions to avoid duplicating state efforts.

For over a century, NCJW has been at the forefront of social change, raising its voice on important issues of public policy. Inspired by our Jewish values, NCJW has been, and continues to be, an advocate for the needs of women, children, and families.

This bill has strong public support and bipartisan support in Congress. The time has come for Congress to expand and strengthen existing hate crimes law. Please show your support for this vital legislation by signing on as a co-sponsor.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Ratzan".

Nancy Ratzan
NCJW President

A FAITH IN THE FUTURE.

A BELIEF IN ACTION.®



April 24, 2009

Dear Representative,

On behalf of **Parents, Families and Friends of Lesbians and Gays (PFLAG) National's** more than 200,000 members and supporters, I am writing to request your support for **Local Law Enforcement Hate Crimes Prevention Act of 2009 – H.R. 1913**. PFLAG members and supporters are committed to making sure that our children and loved ones are protected from bias-motivated crimes. We urge you to stop allowing crimes against our lesbian, gay, bisexual and transgender (LGBT) loved ones to go unrecognized.

H.R. 1913 would expand current federal law to cover crimes motivated by hatred for an individual's gender, sexual orientation, gender identity or disability. The bill would also expand federal jurisdiction over hate crimes and by providing state and local law enforcement with training and federal assistance to prosecute hate crimes. This legislation does not punish thoughts -- it punishes direct actions that are motivated by hatred.

Since the Federal Bureau of Investigation (FBI) began collecting hate crimes statistics in 1991, reported bias motivated crimes based on sexual orientation more than tripled; yet the federal government has no jurisdiction to assist states and localities in dealing with even the most violent hate crimes against lesbian, gay, bisexual and transgender (LGBT) Americans. The FBI's 2007 Uniform Crime Reports – the most recent year we have statistics -- showed that reported violent crimes based on sexual orientation constituted 16.6 percent of all hate crimes in 2007, with 1,265 reported for the year.

These startling numbers only reflect *reported crimes*. Independent studies and anecdotal evidence suggest that crimes against the LGBT community are significantly unreported. Since many states lack the mechanism to investigate and prosecute bias-motivated crimes against the LGBT community members, it is unsurprising that crimes go unreported and criminals go free only to attack our loved ones again.

We hope that you will agree that all Americans, regardless of their sexual orientation or gender identity, deserve a system where law enforcement has the training, assistance and law to prosecute crimes against the people we love and care for. PFLAG members and supporters across the country urge you to co-sponsor and work toward passage of this critical legislation in the 111th Congress.

If there are any questions that you have about this legislation and how our members in your area support this bill, please contact our Field and Policy Manager, Rhodes Perry, at (202) 467-8180 ext. 221 or e-mail rperry@pflag.org.

Sincerely,

Jody M. Huckaby
Executive Director
PFLAG National



Religious Action Center of Reform Judaism

*The Religious Action Center
pursues social justice
and religious liberty
by mobilizing the American
Jewish community and
serving as its advocate
in the nation's capital.*

Rabbi David Saperstein
Director and Counsel

Mark J. Pelavin
Associate Director

Cheryl Gutmann
Chair
Commission on Social
Action of Reform Judaism

Rabbi Marla J. Feldman
Director
Commission on Social
Action of Reform Judaism

The Religious Action
Center operates under
the auspices of the
Commission on Social
Action of Reform
Judaism, a joint
instrumentality of the
Central Conference of
American Rabbis and
the Union for Reform
Judaism with its
affiliates:

American Conference of
Cantors

Association of Reform
Zionists of America

Canadian Association of
Reform Zionists

Early Childhood Educators of
Reform Judaism

National Association of Temple
Administrators

National Association of Temple
Educators

Men of Reform Judaism

North American Federation
of Temple Youth

Program Directors of
Reform Judaism

Women of Reform Judaism

Arthur and Sara Jo Kobacker Building
2027 Massachusetts Avenue, NW
at Kivie Kaplan Way
Washington, DC 20036
202.387.2800
Fax: 202.667.9070
E-mail: rac@urj.org
Visit our website at www.rac.org

April 6, 2009

Dear Representative,

On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, I urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913) introduced by Representatives Conyers (D-MI) and Kirk (R-IL).

All violent crimes are reprehensible, but hate crimes rend the fabric of society and fragment communities. By providing federal officials the authority to investigate and prosecute cases in which violence occurs because of victims' real or perceived sexual orientation, gender identity, gender or disability, the LLEHCPA will significantly strengthen federal response to these horrific crimes.

Of course, states will continue to play the primary role investigating and prosecuting bias-motivated violence, but the LLEHCPA will allow the federal government to intervene in cases where local authorities are either unable or unwilling to do so. Local law enforcement will be supported by federal officials through training and technical assistance, ensuring that these egregious crimes are handled properly and that affected communities are set on a path toward healing.

We are cognizant of the range of views among faith traditions on the issue of homosexuality. While the Reform Jewish Movement is proud of its welcoming of LGBT individuals, there are, of course, faith traditions that hold different views. This legislation only applies to bias-motivated crimes and will not affect lawful public speech or preaching. In fact, in order to make certain that such concerns were addressed, an amendment proposed by Representative Artur Davis (D-AL) is included to clearly protect the First Amendment rights of all Americans.

As Jews, we cherish the biblical commandment found in Leviticus 19:17: "You shall not hate another in your heart." We know all too well the dangers of unchecked persecution and of failing to recognize hate crimes for what they are: acts designed to target and terrorize an entire community. We also take to heart the commandment "You may not stand idly by when your neighbor's blood is being shed" (Leviticus 19:16). Jewish tradition teaches the importance of tolerance and respect for others.

The Local Law Enforcement Hate Crimes Prevention Act has languished for far too long. Your help is critical to ensure its passage. I ask you to vote in favor of the LLEHCPA and help bolster federal capacity to address bias-motivated violence.

Sincerely,

Rabbi David Saperstein



1413 K STREET NW, 5TH FLOOR, WASHINGTON DC 20005
TELEPHONE: (202) 393-2700 | FACSIMILE (202) 318-4433
WEB: WWW.SALDEF.ORG | EMAIL: INFO@SALDEF.ORG

April 1, 2009

Dear Representative,

On behalf of the Sikh American Legal Defense and Education Fund (SALDEF), the nation's oldest Sikh American civil rights and advocacy organization serving over 700,000 Americans, we are writing to urge you to support the **Local Law Enforcement Enhancement Hate Crimes Prevention Act** when it comes to the House floor for a vote.

The Local Law Enforcement Hate Crimes Prevention Act has strong bipartisan support. In the 110th Congress, it had the bipartisan support of 171 cosponsors and was passed by the House on May 3, 2007, with a vote of 237-180 including 25 Republicans. Furthermore, in addition to 31 State Attorney Generals, this legislation has previously been endorsed by more than 210 law enforcement, civil rights, civic and religious organizations, including: the National Sheriffs' Association, International Association of Chiefs of Police, U.S. Conference of Mayors, Federal Law Enforcement Officers Association and many others.

The 2005 FBI hate crime data documented 7,163 hate crimes. While this was a decrease from the previous year, we feel it is impossible to be complacent about a report that identifies almost 7,200 acts of vandalism and violence directed at individuals and institutions on the basis of their race, religion, sexual orientation, national origin, and disability.

Furthermore, hate crimes are vastly underreported by our communities based on a fear of further discrimination, victimization, or a lack of access to law enforcement. According to an Amnesty International study, only one in nine hate crimes are actually reported to law enforcement. Therefore, while the reported incidents in 2005 may have fallen, communities have noticed a considerable and steady increase in incidents over the past eight years.

By passing this common sense anti-hate crime measure, we would bring our nation's laws into the 21st century. The Local Law Enforcement Hate Crimes Prevention Act is a logical extension of existing federal law. Since 1969, 18 U.S.C. §245 has permitted federal prosecution of a hate crime if the crime was motivated by bias based on race, religion, national origin, or color, and because the victim was exercising a "federally protected right" (e.g. voting, attending school, etc.). After forty years, it has become clear that the statute needs to be amended.

This bill adds actual or perceived sexual orientation, gender, disability and gender-identity to the list of covered categories and removes the federally protected activity requirement, thus bringing a much needed comprehensiveness to federal law. Removing the outdated intent requirement would untie the federal government's hands and allow them to partner with state and local officials in combating serious hate crimes that involve death and bodily injury.

As representatives of the Sikh American community who have been targeted by hundreds of hate crimes since the 9/11 terror attacks, we believe it is time to send a clear message that these insidious acts of violence run counter to America's promise of freedom and tolerance.

If you have any questions about this legislation, or the Sikh American community, please do not hesitate to contact me at 202-393-2700 ext 127.

Sincerely,

Rajbir Singh Datta
National Director

Dear Representative,

We, the undersigned women's advocacy organizations, write to urge your support for, the Local Law Enforcement Hate Crime Prevention Act of 2009 (LLEHCPA). As organizations devoted to women's rights and women's progress, we have a shared commitment to equal justice under the law and to protecting the right of all people to live full and free lives, without fear of bias-driven violence or intimidation. We fully support this vital legislation because we believe it provides much-needed protections and tools to combat – and help eliminate – hate and bias crimes.

Gender-Based Hate Crimes Have Devastating Consequences

Like hate violence against racial, ethnic, and religious minorities, crimes motivated by gender bias are acts of discrimination that menace individual victims and entire communities. Attacks motivated by gender bias instill a fear in their intended victims that not only threatens their lives, but also can restrict where they work, study, travel, and live. Such crimes are particularly insidious because they target individuals for who they are and thus put victims at risk at all times and in any situation.

Strengthening Current Law is Essential to Combating Hate Crimes

Existing federal hate crimes laws authorize federal involvement in the prosecution of non-federal hate crimes only in those cases in which the victim was targeted because of race, color, religion, or national origin. The LLEHCPA would fill a gap in current law by authorizing the Department of Justice to investigate and prosecute certain violent crimes motivated by the victim's actual or perceived sexual orientation, gender, gender identity, or disability. In addition, the law strengthens protections against bias-motivated crimes by removing unduly rigid restrictions on when the federal government can assist local authorities in the prosecution of hate crimes. Further, the new provisions prohibiting gender-motivated hate crimes, coupled with the prohibitions against hate crimes based on race or ethnicity, will provide women of color with important protections, enabling them to challenge violent crimes fueled by prejudice based on multiple factors such as race and gender. Finally, the LLEHCPA will create a valuable mechanism to provide needed additional information about the nature and the magnitude of these crimes. The bill would require the FBI to collect statistics on gender-motivated crimes from police departments across the country under the Hate Crime Statistics Act of 1990.

These changes are crucial for women who otherwise would not be afforded relief by the justice system. While local law enforcement has made significant advances in responding to crimes such as domestic violence, rape, and sexual assault, state and local prosecutors and judges may be insufficiently informed about or otherwise unable to adequately prosecute gender-motivated hate crimes and may attribute violence against women to other motives. In such cases, an inadequate response by police or prosecutors can leave survivors of sexual and domestic violence vulnerable to further violence, even murder.

Limited Federal Jurisdiction Is Needed to Fill the Gaps in Current Law

The LLEHCPA would establish uniform federal protections against gender-motivated bias crimes as a backstop to existing laws in every state. Currently, only twenty-six states and the District of Columbia include gender-based crimes in their hate crimes statutes. Further, while the federal Violence Against Women Act (VAWA) addresses intimate-partner violence, it does not specifically address gender-

motivated hate crimes. In addition, the criminal remedies available under VAWA only apply in cases of interstate domestic violence, interstate stalking, and interstate violations of a protective order. Just as Congress recognized the need for a federal remedy to address violence against African-Americans in 1968 when some local officials failed to prosecute racially-motivated crimes, so too should Congress recognize the need for a federal remedy to address violent crimes motivated by gender bias in those discrete instances in which local authorities are unable or unwilling to act.

Providing authority for the federal government to investigate and prosecute certain gender-bias crimes is not unprecedented. In 1994, Congress enacted a penalty-enhancement law for federal crimes “in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.” 28 U.S.C. § 994 Note. The LLEHCPA would effectively complement this provision by allowing for limited federal jurisdiction in certain state bias crime cases.

Federal Jurisdiction Would Operate Only When Necessary and After Jurisdictional Prerequisites Have Been Met

Under the LLEHCPA, local law enforcement officials would continue to prosecute the vast majority of gender-motivated hate crimes. However, this legislation will help ensure an appropriate law enforcement response in those cases of gender-based hate crimes when the local authorities either cannot act or fail to do so. The LLEHCPA would allow for federal prosecution when, for instance, the local police fail to respond to complaints of violence resulting from gender bias because the police are friends or relatives of the perpetrator, or when local law enforcement officials face jurisdictional obstacles over an out-of-state individual suspected of committing a gender-based hate crime. Under current law, such crimes may escape effective prosecution, leaving the victims without an appropriate remedy and the perpetrators free to continue inflicting harms propelled by gender hatred. In addition, in jurisdictions where there is a systemic failure to address violence motivated by gender bias, a federal prosecution can send a message that such a widespread violation of women’s rights will not be tolerated.

This legislation would not convert every instance of domestic violence, rape, or sexual assault into a prosecution under the federal hate crime law. The law applies only to felony crimes that involve a direct connection to interstate or foreign commerce, which requires, for example, that the perpetrator or victim crossed state lines or that the perpetrator employed a weapon that traveled in interstate commerce. The legislation also limits federal involvement to those instances in which the Attorney General (or an authorized designee) not only certifies that the crime appears to be motivated by gender bias, but also confirms the need for federal intervention by certifying in each instance that local officials cannot or will not act or have requested federal assistance, or that the state prosecution was inadequate.

Further, not every violent crime against women is a bias crime, just as not every crime against an African-American is based on racial prejudice. Federal courts already routinely assess the question of gender motivation in the context of workplace discrimination claims and claims raised under other federal civil rights laws, such as 42 U.S.C. § 1983. Prosecutors and judges can rely on the same totality of

the circumstances analysis that would pertain to the other protected bases under the law – considering the language, nature and severity of the attack, absence of another apparent motive, patterns of behavior, and common sense – to determine whether a violent crime was motivated by gender bias.

A look at the actual numbers of prosecutions under state hate crimes laws further stems any concern that this legislation will open the floodgates to federal hate crimes prosecutions. States that recognize gender-based hate crimes have not been overwhelmed by prosecutions of domestic violence, rape, and sexual assault under their existing hate crimes laws. Instead, these laws have operated in a targeted way. The experience in these states demonstrates that protection against gender-motivated bias crimes is essential. As organizations committed to advocating for the rights of our constituencies which include women of every race, religion, color, ethnicity, ability, sexual orientation, and gender-identity, we believe it that this legislation is needed now.

Therefore, the undersigned women's advocacy organizations request your support for, the Local Law Enforcement Hate Crime Prevention Act of 2009, to provide adequate enforcement mechanisms to address and deter gender-motivated hate crimes and ensure that safety is guaranteed to *all*.

Sincerely,

9to5 Bay Area (CA)
9to5 Colorado
9to5 Milwaukee
9to5, National Association of Working Women
AFL-CIO Department of Civil, Human and Women's Rights
American Association of University Women
Atlanta 9to5
Break the Cycle
Coalition of Labor Union Women
Colorado Coalition Against Sexual Assault (CCASA)
Communications Workers of America, AFL-CIO
Democrats.com
Equal Rights Advocates, Inc.
Feminist Majority
Gender Public Advocacy Coalition (GenderPAC)
GenderWatchers
Hadassah, the Women's Zionist Organization of America
Legal Momentum
Los Angeles 9to5
NA'AMAT USA
National Abortion Federation
National Asian Pacific American Women's Forum
National Association of Social Workers

National Center for Lesbian Rights
National Center for Victims of Crime
National Center on Domestic and Sexual Violence
National Congress of Black Women
National Council of Jewish Women
National Council of Women's Organizations
National Organization for Women
National Partnership for Women & Families
National Women's Conference
National Women's Conference Committee
National Women's Committee (NWC)
National Women's Law Center
Northwest Women's Law Center
Sargent Shriver National Center on Poverty Law
The Women's Institute for Freedom of the Press
Washington Teachers Union
Women Employed
Women's Alliance for Theology, Ethics and Ritual
Women's Law Center of Maryland, Inc.
Women's Research & Education Institute (WREI)
YWCA USA

eliminating racism empowering women

ywca

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April 22, 2009

Dear Representative,

On behalf of the more than 2 million women YWCA serves across the United States, I am writing to urge you to support passage of the Local Law Enforcement Hate Crimes Prevention Act (HR1913).

Founded in 1858, the YWCA is the nation's oldest women's organization. We represent more than two million women and girls, and can be found in many communities in the United States. With nearly 300 local associations, we serve thousands of women, girls, and their families annually through a variety of programs and services, including housing and nutrition programs, education and training services, violence prevention and recovery programs, and more. Our clients include elderly women, disabled women, women and girls escaping violence, and low-income and homeless women and their families. In addition to providing direct services to women, girls and families in need, YWCAs also provides racial justice programs, diversity training and anti-racism programs.

As providers of services to women, girls and families, and an organization committed to the elimination of racism and the empowerment of women, we are very supportive hate crimes legislation that protects individuals from harassment, violence and other crimes on the basis of race, color, sex, gender, religion, national origin, ethnicity, age, disability, sexual orientation or gender identity. The existing federal statute is more than 40 years old and needs to be updated and strengthened. And although 45 states and the District of Columbia have enacted laws to enact hate crimes, the laws vary in both scope and enforcement.

The Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) would expand existing federal hate crimes law to include protections for those victimized because of real or perceived sexual orientation, gender, gender identity, or disability. Further, it would remove the overly restrictive obstacles that limit federal prosecution. Currently, the law only applies to crimes on federal property or if the victim was engaged in a federally protected activity. LLEHCPA would allow the federal government to assist local law enforcement in the investigation and prosecution of hate crimes or become involved when local law enforcement is either unable or unwilling. The Attorney General or other high-ranking Justice Department officials would be required to approve all federal prosecutions to avoid duplicating state efforts.

The bill has strong public support and bipartisan support in Congress. The time has come for Congress to expand and strengthen existing hate crimes law by passing the Local Law Enforcement Hate Crimes Prevention Act. Please show your support for this vital legislation by signing on as a co-sponsor.

Sincerely,



Lorraine Cole, Ph.D.
Chief Executive Officer
YWCA USA