



Office of the Attorney General  
Washington, D. C. 20530

July 15, 2009

The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, D.C. 20510

Dear Senators Reid and McConnell:

I understand that S. 909, the *Matthew Shepard Hate Crimes Prevention Act*, is now before the Senate in the form of an amendment to pending legislation. On behalf of the Administration, I strongly urge the Senate to approve this vital legislation.

As I stated in testimony before the Senate Judiciary Committee on June 25, hate crimes victimize not only individuals, but entire communities. Perpetrators of hate crimes seek to deny the humanity we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love.

Bias-motivated acts of violence divide our communities, intimidate our most vulnerable citizens, and damage our collective spirit. The FBI reported 7,624 hate crime incidents in 2007, the latest year for which the FBI has compiled such data. Recent numbers also suggest that hate crimes against certain groups, such as individuals of Hispanic national origin, are on the rise. Between 1998 and 2007, more than 77,000 hate crime incidents were reported to the FBI. That is nearly one hate crime every hour of every day over the span of a decade.

Most hate crimes in the United States are investigated and prosecuted by our partners in state, local, and tribal law enforcement, and this legislation will not change that reality. Rather, this bill will give law enforcement authorities at all levels the tools they need to effectively investigate, prosecute and deter bias-motivated violence. First, it will enable the Department of Justice to provide our non-federal partners with technical, forensic, prosecutorial, and financial assistance to bolster their hate crimes enforcement efforts. Second, it will eliminate the antiquated and burdensome requirement under

The Honorable Harry Reid  
The Honorable Mitch McConnell  
Page Two

existing Federal law that prosecutors prove that a hate crime was motivated by a victim's participation in one of six enumerated federally protected activities. Third, it will expand coverage beyond violent acts motivated by actual or perceived race, color, religion, or national origin to those motivated by actual or perceived gender, disability, sexual orientation and gender identity.

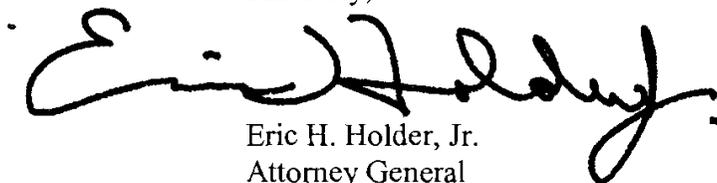
Although local law enforcement agencies will continue to play the primary role in the investigation and prosecution of hate crimes, federal jurisdiction is a necessary backstop. Federal resources may be better suited to address crimes involving multiple jurisdictions, and there may be times when local authorities request Federal involvement.

There also may be rare circumstances in which local officials are unable or unwilling to bring appropriate charges, or when prosecutions, even when successful, do not fully serve the interests of justice. At the same time, there are safeguards, both in the legislation and in the Department's internal policies, to ensure that crimes will be prosecuted at the Federal level only when necessary to achieve justice in a particular case.

Some have raised concerns that Congress lacks the constitutional authority to enact this legislation, as well as concerns that it could infringe on First Amendment rights. The Department addressed these issues at length in a June 23, 2009, views letter to Senator Edward Kennedy. As we explain in that letter, the legislation is constitutional and would not infringe on First Amendment rights because it would criminalize no speech or association, but only bias-motivated violent acts resulting in bodily injury (or attempts to commit such violent acts). Finally, the legislation is carefully tailored to address violence targeting members of communities that have suffered a long history of bias and prejudice.

This Administration strongly supports S. 909, the *Matthew Shepard Hate Crimes Prevention Act*, and I urge its passage without further delay. Now is the time to provide justice to victims of bias-motivated violence and to redouble our efforts to protect our communities from heinous acts of violence based on bigotry and prejudice.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric H. Holder, Jr.", with a stylized flourish at the end.

Eric H. Holder, Jr.  
Attorney General