

June 21, 2007

To: CRC Directors

From: Hadar Susskind, Washington Director
Jared Feldman, Program Associate

Re: Hate Crimes Legislation

The Local Law Enforcement Hate Crimes Prevention Act of 2007 would amend the current federal hate crimes laws to give the federal government the ability to investigate and prosecute more hate crimes. This bill expands the definition of hate crimes to include gender, gender-identity, sexual orientation, and disability in addition to the current categories of race, color, religion, or national origin. The addition of these categories would make the law consistent and protect all people against bias-motivated crimes.

Additionally, this bill would expand the jurisdiction of the federal government, allowing the Department of Justice to investigate and prosecute more hate crimes. Currently, federal hate crimes laws only apply if the victim is engaged in a federally protected activity, such as voting or attending a public school. Unfortunately, many local or state law enforcement agencies are unable or unwilling to effectively investigate hate crimes. Increasing the scope of the Department of Justice's involvement in these cases would more uniformly protect victims and serve justice.

Background

The Jewish community has long been involved in the fight against hate. Our experience and history has given us insight into this issue. The Jewish community has been on the forefront of fight hate for decades. This bill is an important step to building a more just, tolerant and lawful society.

The Local Law Enforcement Hate Crimes Prevention Act of 2007, formerly known as Local Law Enforcement Enhancement Act (LLEEA), has been debated in Congress several times over the last ten years. This bill has previously been approved by both chambers of Congress. However, procedural hurdles and rules have prevented this bill from ever reaching the President.

In the 108th Congress, on June 15, 2004, the Senate approved the measure as an amendment to the National Defense Authorization Act for Fiscal Year 2005 (S. 2400) by a vote of 65-33. In September, 2004, the House approved a Motion to Instruct its conferees to retain this provision in conference by a vote of 213-186. Unfortunately, the House leadership stripped this language in out of the bill in the House-Senate Conference Committee.

A year later, in the 109th Congress, the House of Representatives approved the text of the measure, HR 2662, as an amendment to the Children's Safety Act by a vote of 223-199 on September 14, 2005. Again this language was removed from the final bill by the House leadership.

This year, LLEHCPA was sponsored in the House of Representatives by Representatives Barney Frank (D-MA), Ileana Ros-Lehtinen (R-FL), John Conyers, Jr. (D-MI), Christopher Shays (R-CT), Tammy Baldwin (D-WI) and Mark Kirk (R-IL), Jerry Nadler (D-NY) and Mary Bono (R-CA). The House bill number is H.R. 1592. In the Senate, the companion bill, named the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007 (S. 1105) and was sponsored by Senator Edward Kennedy (D-MA) and Senator Gordon Smith (R-OR). The Senate version currently has 43 cosponsors. We expect the Senate to take up this bill shortly.

This measure is supported by over 210 civil rights, professional, civic, and religious groups, thirty-one state Attorneys General, former US Attorney General Dick Thornburgh, and virtually every major national law enforcement organizations in America.

The Jewish Community cares about this measure because...

- The federal government must have jurisdiction to address bias-motivated crimes in states in which current law is inadequate. Currently, only thirty-one states and the District of Columbia include sexual orientation-based crimes in their hate crimes statutes; twenty-seven states and the District of Columbia include coverage of gender-based crimes; and thirty-one states and the District of Columbia include coverage for disability-based crimes.
- This measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support – through training or direct assistance – will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.
- Passage of a federal law would increase public education and awareness, and encourage Americans to report hate crimes. The federal government must demonstrate its resolve to deal with violence based on prejudice.
- Bias-motivated crimes merit a priority response because of their special impact on the victims. These crimes – designed to intimidate whole communities on the basis of personal and immutable characteristics – can spark widespread neighborhood conflicts and damage the fabric of our society.
- State and local authorities investigate and prosecute the overwhelming majority of hate crime cases – and the federal government can be expected to continue to defer to state authorities under the LLEEA, as well. Since 1991, for example, the FBI has documented almost 114,000 hate crimes. During that period, however, the Justice Department has brought fewer than 100 cases under 18 U.S.C. Sec. 245.