

STATE ATTORNEYS GENERAL
A Communication From the Chief Legal Officers
Of the Following States:

**Arizona - Arkansas - Connecticut - District of Columbia - Georgia - Hawaii - Illinois - Iowa
Kentucky - Louisiana - Maine - Maryland - Massachusetts - Minnesota - Missouri - Montana
Nevada - New Mexico - New York - Ohio - Oregon - Rhode Island - Utah - Vermont
Virgin Islands - Washington**

April 16, 2007

Via Facsimile

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, D.C. 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
H-204, The Capitol
Washington, D.C. 20515

The Honorable Harry Reid
Majority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, The Capitol
Washington, D.C. 20510

We, the undersigned Attorneys General, are writing to express our strong support of Congressional efforts towards the immediate passage of federal hate crimes legislation. As the chief legal officers in our respective jurisdictions, State Attorneys General are on the front lines in the fight to protect our citizens' civil rights. Although state and local governments continue to have the primary responsibility for enforcing criminal law, we believe that federal assistance is critical in fighting the invidious effects of hate crimes.

This much needed legislation would remove unnecessary jurisdictional barriers to permit the U.S. Department of Justice to prosecute violent acts motivated by bias and hate and complement existing federal law by providing new authority for crimes where the victim is intentionally selected because of his or her gender, gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by the victim's race, religion, or national origin when that person is engaged in a federally protected activity, such as voting. Legislative proposals, such as the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were committed while the victim was engaged in protected activity.

Removing this outmoded jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' fundamental civil rights. In 2005, the most recent

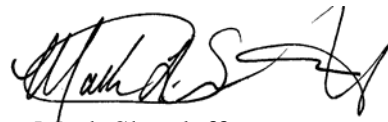
figures available, the FBI documented 7,163 crimes reported from 12,417 law enforcement agencies across the country. Yet, it is not the frequency or number of hate crimes, alone, that distinguish these acts of violence from other crimes. Rather, our experiences as prosecutors have shown us, that these crimes can have a special impact on victims, their families, their communities and, in some instances, the nation. Indeed, in *Wisconsin v. Mitchell*, 508 U.S. 47 (1993), Chief Justice William Rehnquist wrote for a unanimous Supreme Court in upholding the constitutionality of enhanced penalties for crimes motivated by bias or hate against a person because of race, religion, color, disability, sexual orientation, national origin or ancestry. In so ruling, the Court recognized that "bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest." Hate crimes have led to the polarization of communities, increases in security needs at schools and churches, declines in property values and the creation of an overall atmosphere of fear and distrust. All too often that climate has hindered the efforts of local law enforcement and placed the lives of police officers and civilians in jeopardy.

As the chief legal and law enforcement officers of our respective states, we are mindful that the overwhelming majority of criminal cases should be brought by local police and prosecutors at the state level. However, in those rare situations in which local authorities are unable to act, measures such as the LLEHCPA and others provide a backstop to state and local law enforcement by allowing federal involvement if it is necessary to provide a just result. These measures would provide invaluable tools to federal law enforcement to help state authorities in their fight against hate crimes. Therefore, we strongly urge the passage of important hate crimes legislation by the 110th Congress.

Sincerely,



Lisa Madigan
Attorney General of Illinois



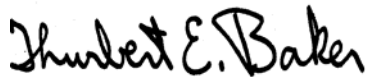
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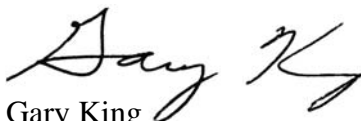
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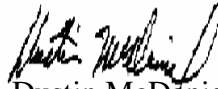
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Attorney General of New Mexico



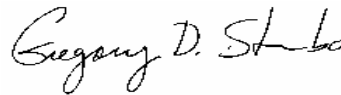
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Linda Singer
Attorney General of District of Columbia



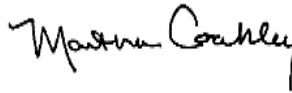
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Attorney General of Hawaii



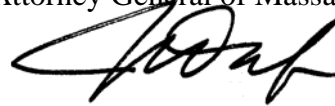
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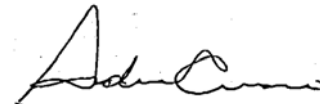
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Patrick Lynch
Attorney General of Rhode Island



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Rob McKenna
Attorney General of Washington

CC:

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives

The Honorable Bobby Scott
Chairman
House Judiciary Subcommittee on Crime,
Terrorism, and Homeland Security
U.S. House of Representatives

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
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The Honorable Edward M. Kennedy
U.S. Senate

The Honorable Lamar S. Smith
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The Honorable Randy Forbes
Ranking Member
House Judiciary Subcommittee on Crime,
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The Honorable Arlen Specter
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The Honorable Gordon Smith
U.S. Senate