

JCPA Memorandum

Jewish Council for Public Affairs

December 20, 2005

To: JCPA Member Agencies
JCPA Board of Directors
JCPA Task Force on Jewish Security and The Bill of Rights

Re: Troublesome Advertising campaign lead by the American Family Association

We have been notified by the ADL of a troublesome advertising campaign being run by the American Family Association (AFA) in opposition to hate crimes laws, specifically the federal Local Law Enforcement Enhancement Act (LLEEA). The JCPA supports, as a high priority, passage of the LLEEA. Last week, the AFA ran large ads in a number of newspapers, criticizing hate crime laws and calling on constituents to contact their Senators to urge them to oppose the Local Law Enforcement Enhancement Act. Some of these ads have targeted specific Senators including Bayh (IN), Ensign (NV), Lugar (IN), Nelson (FL), Nelson (NE), and Reid (NV).

We encourage you to take the following steps that have been suggested by the pro-LLEEA coalition:

- * alert local activists to this anti-LLEEA campaign
- * write op-eds and letters to the editor supporting hate crime laws and the LLEEA
- * thank Senator sponsors of the LLEEA for their continued support and urge those not yet sponsoring to do so (see list of Sponsors below)
- * monitor local media and inform the JCPA of any ads that run in your community

If your Senators are among those already targeted by the ads, we especially encourage you to undertake the above actions.

Below are:

- * Text, Links, and Supporters of the Ads
- * Information on Senate and House LLEEA including Senate Sponsors
- * JCPA Backgrounder on Hate Crimes and the Local Law Enforcement Enhancement Act
- * JCPA Resolution on Hate Crimes (also attached)

Thank you. As always, please call the JCPA office if you need additional information.

Text, Links, and Supporters of the Ads

"Whatever happened to the constitutional guarantee of equal justice under law? The very notion that a homosexual who suffers a violent crime is somehow worth more than a former homosexual who suffers the same crime is absurd. But that's exactly what the current "hate

crime" legislation in Congress will do...elevate one over the other based solely on one's sexual preference.

Such a law means that the two straight men who killed Matthew Shepard would receive a harsher sentence than the two homosexual men who raped, tortured, and killed 13-year old Jesse Dirkhising. There is no moral difference between these two crimes, but under new federal "hate crimes" legislation, one would be punished more severely than the other!

Something is terribly wrong when 11 people peacefully protesting a homosexual event in Philadelphia are arrested and jailed, but activist homosexuals disrupting a pro-family event in Maine are not. Something is terribly wrong when a Boston parent is arrested and jailed for merely objecting to pro-homosexual material being forced on his kindergarten child at school, but hundreds of homosexuals there using sound trucks and blocking the entrance to a church conference hosted by former homosexuals are not. Something is terribly wrong when federal law will make the punishment for one violent crime harsher than another, merely because of a victim's sexual preference.

Something must be done to protect equal justice! Call your Senators before they vote. Tell them the only true justice in American is EQUAL justice under law."

Paid for by American Family Association

Citizens for Community Values, American Family Association, Focus on the Family Action, Coalition of African American Pastors, Exodus International, Liberty Council, American Values, Indiana Family Institute, Vision America, CatholicVote.org, AdvanceUSA, National Coalition for the Protection of Children and Families, Faith2Action, Point of View, The Inspiration Television Networks, Coalitions for America, Tradition Family and Property, National Association of Marriage Enhancement, Biblical Heritage Council.

<http://www.bilerico.com/jerame/adfull.pdf>

<http://www.bilerico.com/jerame/adtext.pdf>

Information on Senate and House LLEEAs including Senate Sponsors

House Bill: H.R.2662

Senate Bill: S.1145

Akaka, Daniel K. (HI)
Bayh, Evan (IN)
Biden, Joseph R., Jr. (DE)
Bingaman, Jeff (NM)
Boxer, Barbara (CA)
Cantwell, Maria (WA)
Chafee, Lincoln (RI)

Clinton, Hillary Rodham (NY)
Coleman, Norm (MN)
Collins, Susan M. (ME)
Corzine, Jon S. (NJ)
Dayton, Mark (MN)
Dodd, Christopher J. (CT)
Dorgan, Byron L. (ND) - 6/23/2005
Durbin, Richard (IL)
Ensign, John (NV)
Feinstein, Dianne (CA)
Harkin, Tom (IA)
Inouye, Daniel K. (HI)
Jeffords, James M. (VT)
Johnson, Tim (SD)
Kennedy, Edward (MA)
Kerry, John F. (MA)
Landrieu, Mary L. (LA)
Lautenberg, Frank R. (NJ)
Leahy, Patrick J. (VT)
Levin, Carl (MI)
Lieberman, Joseph I. (CT)
Lincoln, Blanche L. (AR)
Mikulski, Barbara A. (MD)
Murray, Patty (WA)
Nelson, Bill (FL)
Nelson, E. Benjamin (NE)
Obama, Barack (IL)
Pryor, Mark L. (AR)
Reed, Jack (RI)
Rockefeller, John D., IV (WV)
Salazar, Ken (CO)
Sarbanes, Paul S. (MD)
Schumer, Charles E. (NY)
Smith, Gordon H. (OR)
Snowe, Olympia J. (ME)
Specter, Arlen (PA)
Stabenow, Debbie (MI)
Wyden, Ron (OR)

JCPA Background on Hate Crimes and the LLEEA:

Crimes based on prejudice and hatred are anathema to the fundamental values of democracy upon which this nation is founded. No one law or programmatic initiative will eradicate the scourge of hate from American society. However, there are several important steps we can take to demonstrate that our nation is determined to combat hatred, and passage of the Local Law Enforcement Enhancement Act (LLEEA, S. 1145/H.R. 2662) is chief among them.

It has been several years since we learned with horror of the tragic and senseless murders of a black man in Jasper, Texas and a young gay man in Laramie, Wyoming. National attention seemed focused for a period on the need for tough federal hate crimes laws. During the intervening period, there have been numerous other incidents that remind us of the continuing prevalence of hate crimes. At this critical moment, particularly with Anti-Semitism on the rise in Europe, the United States should set an example by leading the fight against hatred and hate-motivated violence.

The LLEEA would significantly enhance current law and send a powerful message that our nation does not tolerate hate violence. Since 1968, U.S. law has permitted federal prosecution of a certain crimes motivated by bias based on race, religion, national origin, or color. After 37 years, it has become clear that the statute needs to be amended. With passage of the LLEEA, federal law enforcement officials will have new authority to assist local prosecutors and, when appropriate, to investigate and prosecute cases in which the bias-violence occurs because of the victim's actual or perceived sexual orientation, gender, or disability. The LLEEA would also remove the requirement that, in order to be prosecuted, a hate crime must be committed because (not simply while) the victim is engaged in a specific federally-protected right, such as voting. States will continue to play the primary role in combating violent crime. The vast majority of hate crimes will continue to be investigated and prosecuted at the state level. LLEEA will simply provide a backstop to state and local law enforcement.

The Jewish community is more than an interested observer in the continuing struggle to eradicate violence against minorities. Statistics published by the Federal Bureau of Investigation indicate that crimes against Jews and Jewish institutions comprise the overwhelming majority of religiously-based hate crimes in the United States. However, the Jewish community's commitment to combating hate crimes emanates from more than concerns about attacks against Jews. The Jewish people's long history of persecution sensitizes American Jews to the suffering of other minorities. Moreover, the Jewish tradition compels us to pursue tikkun olam, the healing of the world, in part by promoting social justice for all human beings formed in the image of the Creator, regardless of their race, religion, ethnicity, gender, sexual orientation, age, or disability.

A nation's laws are a reflection of its social contract with all of its citizens. The existence and effective enforcement of special laws addressing crimes based on prejudice sends a strong message that hate-based violence is particularly anathema to the principles of freedom and equality forming the cornerstone of American democracy.

This measure has repeatedly attracted significant bipartisan support in both the Senate and the House. 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 provision was later stripped out of the conference report.

In this Congress, the measure has now attracted 45 Senate cosponsors. In a welcome move, on September 14, the House of Representatives approved the text of H.R. 2662 as an amendment to

the Children's Safety Act by a vote of 233-199. With clear bipartisan majorities supporting the measure in both chambers, we are now pressing to overcome existing obstacles to secure final passage of this measure.

We strongly encourage support of the LLEEA and hope that its passage will encourage both the passage of meaningful hate crimes statutes in those few states which do not yet have them, and the strengthening laws in those states whose hate crimes statutes could be more comprehensive.

JCPA Resolution on Hate Crimes: Next Steps to Combat Bias-Motivated Hatred in America (Adopted by the 2004 JCPA Plenum)

Hate crimes damage the fabric of our society and fragment communities. The urgent national need for both a tough law enforcement response and education and programming to confront violent bigotry has only increased since the terrorist attacks of September 11, 2001. Over the past two years, the FBI has recorded a very substantial increase in the number of crimes directed against Arabs, Muslims, and Sikhs. Crimes against Jews and Jewish institutions comprise over twelve percent of the reported hate crimes-- and sixty-five percent of the religious-based crimes.

With anti-Semitism and anti-Zionism on the rise around the globe the United States must continue to set an example by leading the fight against prejudice and hate-motivated violence. The Jewish community relations field must continue to play a leadership role in crafting innovative legal and educational initiatives, and in working with law enforcement officials and broad inter-religious and interethnic coalitions, in support of improved response at the federal, state, and local levels:

State hate crime laws. Over the past two decades, 46 states and the District of Columbia have enacted hate crime laws. Under these statutes, upheld by a unanimous Supreme Court in 1993, expressions of hate protected by the First Amendment's free speech clause are not criminalized. Yet, only 30 state laws include sexual orientation in their statute; only 27 include gender, and only 30 include disability. The JCPA supports passage of hate crime laws in those states without them, and supports strengthening laws in those states that now lack comprehensive laws.

The inclusion of any group in hate crime laws need not be viewed as an expression of support for that group, but rather as a recognition of the reality that certain segments of our society are subject to significantly greater incidences of hate crimes -- and that hate crimes legislation speaks to our collective disdain for criminal behavior motivated by hatred towards groups or individuals because of their association with a group.

Federal hate crime laws. The vast majority of bias crimes are effectively addressed at the state and local level. However, in states without hate crime statutes, and in others with limited coverage, federal investigators and prosecutors must have authority to assist local prosecutions and become involved. Pending legislation, the Local Law Enforcement Enhancement Act (LLEEA), would provide this expanded hate crime response authority. The JCPA reaffirms its support for the LLEEA and calls upon Members of Congress to enact this measure as a high priority.

Hate Crime Training and Data Collection for Law Enforcement Officials. Enacted in 1990, the Hate Crime Statistics Act has increased public awareness of the problem and sparked improvements in the local response of the criminal justice system to hate violence. In 2002, the FBI reported 7,462 hate crimes, including 931 crimes against Jews and Jewish institutions. The Bureau's annual report provides an important measure of accountability to identify law enforcement agencies that report - and those that do not. In 2002, just over 12,000 of the nation's 17,000 law enforcement agencies reported hate crime figures to the FBI - and the vast majority of them (84.5%) reported zero hate crimes. To improve reporting, training of law enforcement is needed. Hate crime reporting at colleges and universities is especially incomplete. The JCPA supports expanded participation in the FBI Hate Crime Statistics Act data collection effort - including better reporting by colleges and universities. In addition, JCPA supports efforts to empower victims of hate crime to report them to authorities.

Education and Training. There is growing awareness of the need to complement tough laws and more vigorous enforcement with education, awareness, and training initiatives designed to reduce bias-motivated violence - especially for youth. The JCPA supports expanded efforts to promote innovative anti-bias violence training and educational outreach for schools and the community.

The Use of the Bully Pulpit. Our civic leaders set the tone for national discourse and have an essential role in shaping attitudes. The JCPA encourages political, religious, and civic leaders to seek opportunities to speak out against expressions of bigotry, intolerance, and prejudice intended to intimidate or teach contempt for others in our society.

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