



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

October 28, 2009

TO: ALL UNITED STATES ATTORNEYS

FROM: Thomas E. Perez *TP*  
Assistant Attorney General for the Civil Rights Division

RE: The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009

Dear United States Attorneys:

The Civil Rights Division and the United States Attorneys' Offices have a long and time-honored history of collaboration and partnership in prosecuting criminal civil rights cases. Using our existing authority, we have brought individuals to justice for committing hate crimes, engaging in law enforcement misconduct, and human trafficking. And our cases have sent the strong message that criminal conduct that violates an individual's civil rights or seeks to victimize entire communities has no place in a democratic society, wherever and whenever it occurs in the United States of America.

Today President Obama signed into law landmark legislation that builds upon an already strong foundation: The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009. The Matthew Shepard and James Byrd Hate Crimes Prevention Act is the first significant expansion of federal criminal civil rights laws in more than a decade, the last being passage of the Church-Arson statute in the mid-1990s. The Act creates a new criminal code provision, 18 U.S.C. § 249, which criminalizes willfully causing bodily injury (or attempting to do so with fire, firearm, or other dangerous weapon) when (1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction. The new law also provides funding and technical assistance to state, local and tribal jurisdictions to help them to more effectively investigate, prosecute and prevent hate crimes.

The Matthew Shepard and James Byrd Hate Crimes Prevention Act is essential because, sadly, hate crimes and the intolerance that breeds them remain all too prevalent in our nation. According to the most current FBI statistics, in 2007 there were 7,621 hate crime incidents reported motivated by a single, discernable animus. This means that there was at least one hate crime incident every hour of every day in our country last year, but the number of actual crimes is

likely higher because a number of jurisdictions report incomplete statistics or none at all. Of those incidents that were reported, over half were motivated by racial bias; 18% were motivated by religious bias; 16% were motivated by a sexual-orientation bias; and 13% were motivated by national-origin bias. From 2003-2007, the number of reported hate crimes against Hispanics increased nearly 40%. And, the number of reported hate crimes against individuals because of their sexual orientation increased to the highest level in five years – amounting to 1,265 incidents.

Attorney General Holder has repeatedly emphasized that the Department and the Civil Rights Division are steadfastly committed to vigorously enforcing the Matthew Shepard and James Byrd Hate Crimes Prevention Act. In order to do this, we will need your help and active participation. In addition, we look forward to working with you to develop ways that the Justice Department can educate communities about the new law and prevent hate crimes from occurring in the first place.

The Civil Rights Division's Criminal Section will soon be issuing guidance on enforcing this new legislation, and we look forward to working together with you in its enforcement. If, before we issue more formal guidance, you have any questions or want more information on the Matthew Shepard and James Byrd Hate Crimes Prevention Act, please contact me or my Senior Counselor Matt Nosanchuk at (202) 305-0864, or Acting Criminal Section Chief Robert Moossy at (202) 305-2445 or at [Robert.Moossy@USDOJ.Gov](mailto:Robert.Moossy@USDOJ.Gov).