



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

May 3, 2007  
(House)

## STATEMENT OF ADMINISTRATION POLICY

### H.R. 1592 – Local Law Enforcement Hate Crimes Prevention Act of 2007

(Rep. Conyers (D) Michigan and 171 cosponsors)

The Administration favors strong criminal penalties for violent crime, including crime based on personal characteristics, such as race, color, religion, or national origin. However, the Administration believes that H.R. 1592 is unnecessary and constitutionally questionable. If H.R. 1592 were presented to the President, his senior advisors would recommend that he veto the bill.

State and local criminal laws already provide criminal penalties for the violence addressed by the new Federal crime defined in section 7 of H.R. 1592, and many of these laws carry stricter penalties (including mandatory minimums and the death penalty) than the proposed language in H.R. 1592. State and local law enforcement agencies and courts have the capability to enforce those penalties and are doing so effectively. There has been no persuasive demonstration of any need to federalize such a potentially large range of violent crime enforcement, and doing so is inconsistent with the proper allocation of criminal enforcement responsibilities between the different levels of government. In addition, almost every State in the country can actively prosecute hate crimes under the State's own hate crimes law.

H.R. 1592 prohibits willfully causing or attempting to cause bodily injury to any person based upon the victim's race, color, religion, or national origin, gender, sexual orientation, gender identity, or disability. The Administration notes that the bill would leave other classes (such as the elderly, members of the military, police officers, and victims of prior crimes) without similar special status. The Administration believes that all violent crimes are unacceptable, regardless of the victims, and should be punished firmly.

Moreover, the bill's proposed section 249(a)(1) of title 18 of the U.S. Code raises constitutional concerns. Federalization of criminal law concerning the violence prohibited by the bill would be constitutional only if done in the implementation of a power granted to the Federal government, such as the power to protect Federal personnel, to regulate interstate commerce, or to enforce equal protection of the laws. Section 249(a)(1) is not by its terms limited to the exercise of such a power, and it is not at all clear that sufficient factual or legal grounds exist to uphold this provision of H.R. 1592.

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