

Congress of the United States
Washington, DC 20515

October 30, 2007

The Hon. Ike Skelton
Chairman, House Armed Services Committee
2206 Rayburn House Office Building
Washington, D.C. 20515

The Hon. Carl Levin
Chairman, Senate Armed Services
Committee
269 Russell Senate Office Building
Washington, D.C. 20510

The Hon. Duncan Hunter
Ranking Member, House
Armed Services Committee
2265 Rayburn House Office Building
Washington, D.C. 20515

The Hon. John McCain
Ranking Member, Senate
Armed Services Committee
241 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairmen Skelton and Levin and Ranking Members Hunter and McCain:

Thank you for your continued and tireless efforts to enact the Fiscal Year 2008 National Defense Authorization Act (NDAA). As you know, the Armed Services Committees have maintained a long history of bipartisan cooperation to ensure that critical guidance and spending authorizations are provided to the Department of Defense each year, and particularly during this time of war. Knowing that you are as committed to enacting the defense authorization bill as we are, we must urge you to insist on the overarching House position to prevent sharply divisive and unrelated provisions from being included in the NDAA bill Conference Committee's Report. In particular, if the Report includes hate crimes legislation or any other constitutionally questionable legislation, we will urge the President to exercise his veto authority.

Aside from the constitutional challenges hate crimes legislation presents, a second reason hate crimes should not be in the Report is because inserting such an irrelevant provision in this year's defense bill would set another dangerous precedent. The only certain consequences of going down this path will be the further politicization of our national defense policy and a diminished capacity of Congress to enact an annual defense bill that provides important guidance to the Department of Defense during wartime. These are outcomes that we cannot support. As you know, 180 Members of Congress, 34 more than needed to sustain a veto, voted against a provision similar to the one included by the Senate during floor consideration of H.R. 1592, Local Law Enforcement Hate Crimes Prevention Act of 2007. Regardless of one's position on the merits of this provision, there is a time and place to consider this provision, and it is not in the National Defense Authorization bill.

The sponsors of H.R. 1592 understood that legislation relating to hate crimes should not be considered without thorough debate. Hearings were held on H.R. 1592 on April 17, 2007, and a subcommittee mark up was held on April 24, 2007. On April 25, 2007, the full House Judiciary Committee held a markup on H.R. 1592. However, the Senate adopted this provision without a single hearing or Committee markup.

The inclusion of this provision will not only politicize the annual defense bill for years to come, it would also fail to provide the American people the robust debate they have asked of their elected officials. To force this contentious legislation into the Defense Authorization conference report is a disservice to our Soldiers, Sailors, Airmen and Marines on the front lines in this war against terror.

Thank you in advance for your leadership and for working in a bipartisan manner to protect this Nation's Constitution, warfighters, and citizens.

Most sincerely,



Trent Franks
U.S. House of Representatives



J. Randy Forbes
U.S. House of Representatives