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December 8, 2011

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Rm. 511
Washington, D.C. 20530

Dear Attorney General Holder:

I am writing to you to convey my very serious concerns about actions in Puerto Rico that undermine the commitment of the federal government and the U.S. Department of Justice to prosecute hate crimes based on sexual orientation, gender identity, gender, and ethnic origin. This blatant action by the Puerto Rican government runs counter to the national progress we have made in addressing the fundamental need to recognize the prevalence of hate crimes based on sexual orientation and national origin and the Justice Department's commitment to prosecute these crimes.

I admire your personal commitment and the commitment of President Obama to move aggressively to stop hate crimes. Passage of the Mathew Shepard Act was a landmark moment in our nation's battle to prevent hate crimes based on sexual orientation. I applaud your leadership in this effort. You testified in June of 2009, before the United States Senate, that "Perpetrators of hate crimes seek to deny the humanity that we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love."

Your words could not be more accurate or important. And your counsel and leadership have never been more needed by the Puerto Rican government. As you may know, this month, the Puerto Rico Senate passed Senate Bill 2021, which specifically removed sexual orientation, gender identity, gender, and ethnic origin as protected classes under the hate crimes section of the Puerto Rico penal code.

Understanding that the prosecution of hate crimes is one of the top priorities of the U.S. Department of Justice, I would like to know what steps you can take to protect the communities that the ruling party in Puerto Rico has chosen to specifically put at risk. Your record in this regard is stellar, and the actions of a few extreme leaders who seek to diminish the rights of Puerto Ricans should not be allowed to put decent, law-abiding people in harm's way.

I urge you to immediately convene a task force of federal law enforcement authorities to investigate and prosecute hate crimes in Puerto Rico since the government in Puerto Rico has both denied that hate crimes against these communities exist and has now actively moved to deny protection to individuals who are targeted.

I also respectfully request that you conduct an immediate review to determine if the latest action taken by the Puerto Rican legislature against these communities is in any way in violation of Puerto Rico's participation in federal hate crime programs, from the collaboration that exists with federal law enforcement authorities and prosecutors to the use of federal funds allocated to the Commonwealth of Puerto Rico for the prosecution of hate crimes.

In addition, I understand that the FBI is not currently collecting data on hate crimes based on sexual orientation in Puerto Rico. I ask that, as part of this review, data is required to be collected and submitted to the FBI so that we can truly begin to understand the scope of hate crimes in Puerto Rico and the need for appropriate legislation to protect these communities.

All Americans should be proud of the progress we have made in protecting all communities from hate crimes. We should be gratified that the trend in many states in our union is toward equal protection under the law without regard to sexual orientation, gender identity, gender, and ethnic origin. I am greatly disappointed that the ruling party in Puerto Rico is taking active steps to deny justice and equality to all of its residents. I hope that the U.S. Department of Justice will take all possible steps to help protect all of the people of Puerto Rico.

Finally, given the latest developments, I believe that my pending request for a briefing on the current status of the implementation of the findings of the DOJ report about the very serious abuses by the police of Puerto Rico has now acquired a new sense of urgency. I have grave concerns that the government of Puerto Rico -- in direct contrast to the federal government -- is aggressively sending a signal that hate crimes based on sexual orientation, gender identity, gender and ethnic origin will be tolerated. I know that you join me in believing that this policy cannot go unchallenged.

I look forward to your prompt response regarding this matter. Please contact me or my scheduler Kathryn Johnson at (202) 225-8203 at your earliest convenience.

Thank you for your attention to my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis V. Gutierrez", with a stylized flourish at the end.

Luis V. Gutierrez
Member of Congress

CC: Assistant Attorney General for Legislative Affairs, Ronald Weich