

August 29, 2017

Governor Eric Holcomb
Indiana Statehouse
200 West Washington St.
Indianapolis, IN 46204

Dear Governor,

As you are probably aware, *the Indianapolis Star* recently capitalized upon the national tragedy and hysteria arising from violent protestors in Charlottesville, Virginia with a full-page call to pass a so-called “hate crimes” bill in the Indiana General Assembly.

In my 26 years as a lobbyist I have rarely, if ever, seen a situation when a media driven, emotionally-charged push for a law resulted in the best public policy possible on a matter. The issue of hate crime legislation has already come before the legislature well over a dozen times. In fact, the first bill that I ever testified on was this issue back in 1991.

Recently too, *Indiana Legislative Insight* wrote a cover story reporting this push for hate crimes legislation. It chronicled the history of Senate Bill 439 this spring, which failed to receive a vote on the Indiana Senate floor. However, the article did not fully explain *why* Senator Glick’s bill failed after easily passing out of a committee. That is why I am sending this letter for your review.

Hate crime legislation has always been controversial on both the left and the right. For years the ACLU opposed it as a step toward a “thought crime.” AFA of Indiana has concerns about the politicized nature of these laws and how they have been used as a tool to silence free speech for those who believe in natural marriage or traditional religious sexual morality.

Indiana is one of a few states that do not have a “hate crime” law. Yet most of the states with racial or bigotry problems in the news have such a law. This raises questions about the effectiveness and necessity of such a measure. There is also no evidence that ‘bias crimes’ in Indiana are not adequately being prosecuted to the fullest extent of the law.

Moreover, Indiana judges already have the ability to enhance sentences for any situation deemed helpful for *any* victim, rather than just a few limiting or politically correct victim categories as proposed in SB 439. Such categories beg

the question of “equal justice under law” in a great many crime scenarios with the same violent actions against those who may or may not fit a listed category.

Enclosed are two memos on SB 439 from renowned Hoosier legal expert, James Bopp, Jr., which explains our concerns about “hate crimes” measures. It explains the language that we would have supported in SB 439, had the bill’s author wanted broad bi-partisan support that offers justice to ALL Hoosier victims.

I would encourage your policy staff to look at SB 439, study these enclosed items, and to reach out to Jim Bopp about this measure before the next legislative session. If I can be of any assistance in discussing this subject with your staff, please do not hesitate to contact me.

Best Regards,

Micah Clark
Executive Director

Cc: James Bopp, Jr., House Speaker Brian Bosma, Senate President David Long