



LAWYERS' COMMITTEE  
FOR CIVIL RIGHTS AND  
ECONOMIC JUSTICE  
*Serving Greater Boston Since 1968*

November 28, 2016

Chief Thomas O'Loughlin  
Milford Police Department  
250 Main Street  
Milford, MA 01757  
[chief@milfordpolice.org](mailto:chief@milfordpolice.org)

Richard A. Villani  
Town Administrator  
52 Main Street  
Milford, MA 01757

Gerald M. Moody Esq.  
Town Counsel  
52 Main Street  
Milford, MA 01757

**Re: Hate Crime in Milford, Massachusetts**

Dear Chief O'Loughlin, Administrator Villani, and Attorney Moody:

On November 15, 2016, the *Boston Globe* reported that Milford residents have received unwanted Ku Klux Klan ("KKK") materials over the past several weeks. Milford officials were quoted in the media saying that KKK activities are protected by the First Amendment.

We disagree. The KKK is this country's most notorious domestic terrorist group. The group has long used brutal violence and intimidation as a means to strike fear into the hearts of communities of color and other traditionally marginalized communities. The KKK's presence and activities in Milford should not be dismissed simply as a First Amendment issue that merits no law enforcement response. Given the KKK's history and continued existence as a domestic terrorist organization, the distribution of the group's materials should be treated and investigated seriously. KKK activities are designed to rob people of their dignity and to foment hate crimes and violence. The law allows for punishment of speech and activities that are intended to incite imminent lawless action. *See, e.g., Brandenburg v. Ohio*, 395 U.S. 444 (1969). We urge you to publicly condemn the KKK's actions and to conduct an investigation of KKK activities in Milford.

At the Lawyers' Committee for Civil Rights and Economic Justice we are committed to marshalling the resources of the legal community to tackle all forms of discrimination. Acts of hate such as this one are not isolated incidents. On a daily basis, we receive reports from

residents of the Commonwealth who have experienced harassment, intimidation, and discrimination at work, in school and while engaging with police – and unfortunately there has been a dramatic uptick in such reports since Election Day. In fact, the Attorney General’s hate crimes hotline, established after the Election, has already received more than 300 calls.

KKK activities in Milford send a threatening and intimidating message, especially for racial, ethnic, linguistic, and religious minorities. There is a clear social and psychological harm: KKK activities create a chilling effect because they signal to minorities that they are not valued as equal members of the community, and that their histories, experiences, perspectives and voices are not respected. Immediate responses from the legal, social, and political community are critical to deter further threats or violence. We urge you to respond immediately to reinforce the critical message that identity-based harassment and intimidation are not welcome in Milford and that hate crimes are not only unacceptable, but also illegal. *See* 18 U.S.C. §249 (2009); G.L. c.22, §32; G.L. c.265 §37, §39; *see also Commonwealth v. Barnett*, 45 Mass. App. Ct. 486 (1998). The failure to investigate the KKK – and to protect minority residents – is tantamount to discrimination and raises the specter of liability under federal and state constitutional law.

Had materials praising the activities of ISIS and urging Milford residents to join its ranks appeared unbidden on the doorsteps of your Town, we presume that such actions would have been thoroughly condemned and investigated. Similar conduct from the KKK – a domestic terrorist organization – should be treated no differently. The Lawyers’ Committee, therefore, urges you to forcefully and publicly condemn the KKK’s actions and to conduct a full-scale investigation of KKK activities in Milford. Without such a response, perpetrators of hate crimes will be emboldened, and communities of color will grow even more doubtful of Milford’s commitment to equal protection.

Sincerely,



Sophia L. Hall, Esq.  
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