



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

January 30, 2017

Chief Kenneth Ferguson
Framingham Police Department
1 William H. Welch Way
Framingham, Massachusetts 01702

Ms. Cheryl Tully Stoll, Chair
Board of Selectmen
150 Concord Street, Room 121
Framingham, Massachusetts 01702

Re: Hate Crime in Framingham, Massachusetts

Dear Chief Ferguson and Ms. Stoll:

We understand that on January 15, 2017, a Framingham resident reported finding Ku Klux Klan (“KKK”) materials in his driveway.

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 Framingham should not be considered 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 Framingham.

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 400 calls.

KKK activities in Framingham 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 Framingham 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.

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 Framingham. Without such a response, perpetrators of hate crimes will be emboldened, and communities of color will grow doubtful of Framingham's commitment to equal protection. To that end, we are willing to assist you in this effort in any way that we can.

Sincerely,

A handwritten signature in cursive script that reads "Sophia L. Hall". The signature is written in black ink and is positioned above the typed name.

Sophia L. Hall, Esq.

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