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915 15th Street, NW Washington, D.C. 20005

July 18, 2013

The Honorable Eric H. Holder, Jr.
United States Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Holder,

We are writing to clearly state the ACLU's position on whether or not the Department of Justice (DOJ) should consider bringing federal civil rights or hate crimes charges as a result of the state court acquittal in the George Zimmerman case. Even though the Supreme Court permits a federal prosecution following a state prosecution, the ACLU believes the Double Jeopardy Clause of the Constitution protects someone from being prosecuted in another court for charges arising from the same transaction. A jury found Zimmerman not guilty, and that should be the end of the criminal case.

However, there are still actions the federal government can take to help communities like Sanford, Florida to ensure tragedies similar to Trayvon Martin's untimely death do not happen again, including preventing widespread racial profiling. Although the George Zimmerman case did not involve a law enforcement officer, many other shootings of unarmed Black men around the country have. In 1999, 22 year old Guinea immigrant Amadou Ahmed Diallo was fatally shot 41 times by white New York police officers. Sean Bell was a 23-year-old African American who was shot 50 times and killed by New York City police when leaving his bachelor party in 2003. In 2005, New Orleans police officers shot six unarmed civilians, two of whom died, near the Danziger Bridge in the days after Hurricane Katrina. More recently, 22-year-old Oscar Grant, an African American, was shot in the back and killed by Oakland transit police on New Year's morning in 2009 after getting off the BART train. These cases are painful illustrations of the need for the Department to prioritize issuing strengthened guidance to law enforcement on racial profiling and excessive force.

Furthermore, the Department can also help provide training to the community to help end the pervasive practice of racial profiling. In anticipation of the verdict in the Zimmerman case, the Department's Community Relations Service should be commended for quickly arriving in Sanford to assist the community with the aftermath of the decision. Many wounds need to be healed in Sanford and DOJ should continue to assist the community by providing training and by working with the community to close this sad chapter in its history. DOJ should also commit itself to providing training and technical assistance to state prosecutors involved in cases where race is seen as a factor. Finally, Congress should immediately pass the End Racial Profiling Act.

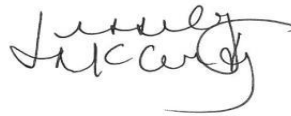
We realize that the alleged conduct of private citizens like George Zimmerman is beyond the scope of the End Racial Profiling Act and the Department of Justice Guidance Regarding the Use of Race by Federal Law Enforcement Agencies. But average citizens can be influenced by the conduct of law enforcement, and problematic practices by public officials can increase the likelihood of bad judgment and actions by private actors. Further, the killing of Trayvon Martin has touched off a range of emotions across the country and is another harsh reminder that police actions can be motivated by racial bias.

If you have any additional questions about this issue, please feel free to Jesselyn McCurdy, Senior Legislative Counsel at jmccurdy@dcaclu.org or (202) 675-2307.

Respectfully submitted,



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cc: Charlotte Burrows, Associate Deputy Attorney General,
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