

AJC Policy: Hate Crimes

Introduction & Background

In recent years, the U.S. has experienced an alarming rise in violent extremism, often targeted at religious minorities. The FBI's latest *Hate Crimes Statistics* report released in November 2020 shows that Jews were the target of 60.2 percent of all religiously motivated hate crimes in 2019 despite accounting for 2 percent of the U.S. population; this number is up 2 percent from the 2018 report.

Fatal attacks against the Jewish community have occurred with horrifying frequency: the mass shooting at the Tree of Life Synagogue in Pittsburgh; the murderous attack at a Chabad in Poway; the shooting at a kosher supermarket in Jersey City, and the stabbing at a Hanukkah party in Monsey. In 2020, American Jewish Committee (AJC) issued a landmark *Survey of American Jewish Attitudes about Antisemitism* which found that not only do 82 percent of American Jews feel antisemitism in our country has increased over the past 5 years, 24 percent avoided publicly wearing, carrying, or displaying things that might help people identify them as Jewish.

Hate-related atrocities have also affected other minority communities: the massacre of African American congregants at AME Episcopal Church in Charleston; the fatal shooting of Khalid Jabara in an anti-Arab attack in Tulsa; a mass shooting targeting Latinos at a Walmart in El Paso; the brutal police-involved killings of Ahmaud Arbery, George Floyd, Breonna Taylor, and far too many others.

Since the first hate crimes statute was passed in 1968, the federal government has ushered in additional legislation to help law enforcement effectively arrest, prosecute, and record the actions of hate crime perpetrators. In 1990, Congress passed the Hate Crimes Statistics Act. This act granted the FBI oversight of the Uniform Crime Reporting Program that collects hate crime data voluntarily submitted by state and local law enforcement agencies. In 2009, Congress made necessary additions to the law by passing the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; this act allows federal authorities to investigate and prosecute hate crimes committed on the basis of actual or perceived "race, color, religion, national origin, gender or gender identity, sexual orientation, or disability."

Because reporting is voluntary, today only 13 percent of the nation's law enforcement agencies submit *any* hate crimes data to the FBI. This number accounts for more than 70 cities with at least 100,000 residents whose law enforcement agencies fail to report or report zero hate crimes to the FBI. Moreover, it is widely acknowledged that the majority of hate crimes go unreported to law enforcement. AJC's 2020 Survey found that 76 percent of those who were the target of an antisemitic attack or remark did not report it. This, coupled with inaccurate and incomplete hate crimes data to the FBI, limits federal, state, and local governments' and institutions' abilities to address hate crime related issues – the scope, location, and severity of the problem.

These problems are further compounded by the FBI's transition to the National Incident-Based Reporting System (NIBRS). Starting in 2020, the FBI is only accepting hate crime data submitted through NIBRS. According to the FBI, 75 percent of law enforcement agencies, serving around 80 percent of the U.S. population, will have moved over to NIBRS. Agencies representing 20 percent of the population are not yet

equipped to submit hate crime data to the FBI and may not be represented in the FBI Hate Crime Statistics Report for 2021.

Addressing Gaps in Hate Crime Reporting

Bills like the Jabara-Heyer NO HATE Act are an essential first step. This bill would leverage existing grant money to help local law enforcement improve hate crime reporting through training, set up reporting hotlines, enhance relations with targeted communities, and host public educational forums on hate crimes. It would also allocate grants to help state and local governments implement and effectively learn how to use NIBRS. In exchange for these resources, the FBI would receive hate crime data from the law enforcement agency voluntarily enrolled in the program. While the Jabara-Heyer NO HATE Act would leave state and local government compliance voluntary, it would provide necessary resources to make identification, tracking, and hate crime reporting easier. Because gathering accurate hate crime data will not happen overnight, we must ensure that targeted minority communities are protected and trained to respond to hate crimes.

Protecting Communities that are Susceptible to Hate Crimes

There is a clear and urgent need for additional resources for minority community protection – building on the 50 percent increase in DHS security grants for nonprofits provided by Congress in the Fiscal Year 2020 appropriations and subsequent 50 percent increase in these funds to \$180 million for 2021. In addition, our government can ward off potential hate crimes by calling out hateful rhetoric proliferated through religious, political, and cultural movements; implementing programs to rehabilitate hate-crime perpetrators during and following incarceration; pressing social media platforms to ratify and enforce community standards; and implementing specialized curricula in schools where hate crime incidents are most prevalent.

In addition, there needs to be greater consistency in the prosecution of hate crimes. Dr. Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief, in a groundbreaking study on global antisemitism submitted to the UN General Assembly in 2019, noted that there must be “a consistent expectation by perpetrators that they will be prosecuted.” Law enforcement does not consistently prosecute hate crimes. Police and other law enforcing agencies must learn what constitutes a hate crime to accurately prosecute and report an incident.

To ensure that minority communities are adequately protected, AJC recommends the continuation and increase in DHS security grants to train staff, secure, and protect our religious institutions and houses of worship, and ensure freedom of religion. Additionally, AJC encourages elected officials to work with local law enforcement to provide officers the tools and training to identify and record hate crime-related activity.

Addressing Transnational White Supremacist Extremist (WSE) Groups

Hate and violent extremism occur across the political spectrum. While the government must address all forms of bias and hate that lead to criminal action, the most urgent and immediate need is for a comprehensive examination of violence motivated by white supremacist ideology. [In October 2020, the Department of Homeland Security released a report showing 81 percent of extremist homicides in 2019 were from WSE](#)

[groups](#). Numerous white nationalist extremist groups based abroad have successfully found sympathizers and supporters in the United States, with terrifying consequences. These groups are engaged in transnational radicalization, recruitment, training, and violence. Experts have pointed to white supremacist violent extremism as one of the leading threats to our homeland. Those that qualify should be designated as Foreign Terrorist Organizations (FTOs), a move that will allow the U.S. government to take action to curb financing and enable prosecution.

In 2020, the State Department moved to designate Russian Imperial Movement (RIM) as an FTO; this was the first time that a transnational white supremacist group has received the designation of “terrorist” from the U.S. State Department. There are additional WSE groups abroad that qualify for FTO designation; this move should be considered to protect American values abroad and safeguard lives at home.

In addition to a focus on the sources of and contributors to hate-crimes domestically, it is essential that we recognize the transnational nature of hate.

Congress, while it should not act to regulate thoughts and beliefs, should act to:

- strengthen the federal government’s ability to prevent, report on, respond to and investigate acts of domestic terrorism by passing the Domestic Terrorism Prevention Act of 2021 (H.R.350), which has bipartisan support in the House;
- press the State Department and Department of the Treasury to designate transnational white supremacist groups as foreign terrorist organizations in order to limit white supremacists’ ability to recruit online and raise funds;
- hold hearings investigating militant extremism and its links to domestic terrorist threats;
- instruct the federal government to develop a plan regarding the propagation of domestic extremist ideologies in public institutions, such as prisons and law enforcement units; and
- help the federal government re-establish interagency initiatives between federal and state agencies to address domestic terrorist actors and organizations.

Hate crimes threaten the rights and security of all Americans and their freedom to worship freely and express beliefs without fear. As a nation that has always recognized the strength in our diversity, hate-crimes undermine the values that underpin our democracy. As violent attacks against Jewish and other religious minority communities continue, more must be done to better understand and prevent acts of bigoted hate.

This policy paper is meant to be a resource for candidates and elected officials. It is one of several that outlines AJC standpoints and policies on issues of core concern to our organization and our community.

American Jewish Committee (AJC), founded in 1906, is the Jewish community’s global advocacy organization. Its mission is to enhance the security and well-being of the Jewish people and Israel, and to advance human rights and democratic values around the world. In addition to its New York headquarters and its Office of Policy and Diplomatic Affairs in Washington, D.C., AJC has 24 U.S. regional offices, 12 overseas posts, and 37 partnerships with Jewish communities and institutions worldwide.

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