Introduction & Background

The FBI’s latest Hate Crimes Statistics report, released in August 2021, shows hate crimes at their highest level in twelve years. According to the report, 8,263 criminal incidents were motivated by bias towards race, religion, disability, and gender/gender identity, an increase of nearly 13 percent (949 more incidents) from 2019. Also troubling is the decline in agencies reporting hate crime incidents to the FBI; this number has declined for the third year in a row.

Jews were the target of 55 percent of all religiously motivated hate crimes in 2020, despite accounting for 2 percent of the U.S. population. Fatal attacks against the Jewish community have occurred with horrifying frequency in recent years: a mass shooting at the Tree of Life Synagogue in Pittsburgh; a murderous attack at a Chabad in Poway, California; a shooting at a kosher supermarket in Jersey City, New Jersey; and a stabbing at a Hanukkah party in Monsey, New York.

In October 2021, American Jewish Committee (AJC)'s State of Antisemitism in America report revealed that not only did 82 percent of American Jews feel antisemitism in our country has increased over the past 5 years, but one in four American Jews had been the target of antisemitism over the past 12 months, and four in ten American Jews changed their behavior at least once over the past 12 months out of fear of antisemitism.

According to the FBI, racial bias hate crimes made up the majority of incidents. Crimes against Black Americans jumped from 1,930 in 2019 to 2,871 in 2020. There was a stunning 76% increase in anti-Asian hate crimes, which rose exponentially since the start of the coronavirus pandemic.

Since the Civil Rights Act of 1968, additional laws have sought to guide how law enforcement addresses hate crimes. The 1990 Hate Crimes Statistics 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. The 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gave federal authorities increased ability to investigate and prosecute hate crimes and included crimes committed on the basis of sexual orientation, disability, gender, and gender identity.

Because federal reporting of hate crimes is voluntary, fewer than 15 percent of the nation’s law enforcement agencies submit any hate crimes data to the FBI as of 2020. More than 60 cities of 100,000 or more -- cities like Miami, Newark, and Cincinnati -- did not report or reported zero hate crimes to the FBI. Moreover, it is widely acknowledged that the majority of hate crimes go unreported by victims. The latest National Crime Victimization Survey (NCVS) by the Department of Justice’s Bureau of Justice Statistics, estimated 305,390 hate crime incidents in 2019. There is a nearly 300,000 incident gap between the FBI’s data and data presented in the NCVS. This lack of accurate and complete hate crime data severely hinders the ability of federal, state, and local governments and institutions to effectively address hate crimes – their scope, location, and severity.

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2 In 2020, 15,138 agencies reported hate crime incidents to the FBI, 450 fewer than in 2019.
3 Incident totals include both criminal incidents and related offenses as being motivated by bias toward race, ethnicity, ancestry, religion, sexual orientation, disability, gender, and gender identity.
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Addressing Gaps in Hate Crime Reporting

In May 2021, President Biden signed into law the Khalid Jabara and Heyer Heyer NO HATE (National Opposition to Hate, Assault, and Threats to Equality) Act which incentivizes state and local governments to report hate crime data to the FBI. In exchange for grant funding which can be allocated to implement reporting hotlines, enhance relations with targeted communities, hold public educational forums, and ensure proper training for law enforcement on how to use the National Incident-Based Reporting System, the law enforcement agency agrees to report hate crime data.

Protecting Communities that are Susceptible to Hate Crimes

In 2020, Congress increased funding for the Department of Homeland Security’s Nonprofit Security Grant Program by 50 percent to $180 million. These grants are vital to train staff and secure and protect minority-affiliated institutions and houses of worship.

Police and other law enforcing agencies must learn what constitutes a hate crime to accurately report and prosecute an incident. Antisemitism, because it manifests in myriad ways and derives from many sources, is particularly complex. The International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism can provide important clarity for law enforcement at all levels of government.

Addressing Transnational White Supremacist Extremist (WSE) Groups

While hate and violent extremism occur across the political spectrum, an October 2020 report from the Department of Homeland Security documented that WSE groups bore responsibility for 81 percent of extremist homicides in 2019. In Spring 2021, Attorney General Merrick Garland warned, “the top domestic violence extremist threat we face comes from racially or ethnically motivated violent extremists, specifically those who advocate for the superiority of the white race.”

Numerous white nationalist extremist groups based abroad have successfully found sympathizers and supporters in the United States. In 2020, the State Department designated the Russian Imperial Movement (RIM) as a Specially Designated Global Terrorist group; the first time that a transnational white supremacist group was classified as such. Designating transnational groups that are engaged in radicalization, recruitment, training, and violence allows the U.S. government to take vital action to curb financing and enable prosecution.

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/S.963), which has bipartisan support in the House;
- ensure robust appropriations for grants to incentivize hate crime reporting per the Khalid Jabara-Heather Heyer NO HATE Act;
- press for the designation of transnational white supremacist groups as Specially Designated Global Terrorist or foreign terrorist organizations to limit online recruitment and fundraising;
- promote a federal plan to address propagation of domestic extremist ideologies in public institutions, such as prisons and law enforcement units; and
- re-establish interagency initiatives between federal and state agencies to address domestic terrorism.

The United States recognizes the strength we derive from our diversity. Hate crimes undermine the values that serve as the foundation of our democracy. As violent attacks against Jewish and other minority communities continue, more must be done to better understand and prevent acts of hate.