



Written Statement by the Southern Poverty Law Center

Submitted to the U.S. Senate Judiciary Committee

In connection with its hearing entitled

*A Threat to Justice Everywhere: Stemming the Tide of Hate  
Crimes in America*

September 17, 2024

On behalf of the Southern Poverty Law Center (SPLC) Action Fund, we write to provide our insights for today's hearing, *A Threat to Justice Everywhere: Stemming the Tide of Hate Crimes in America*. We appreciate the opportunity to share our expertise on the nature and magnitude of hate crime in the United States, to underline the impact these crimes have on targeted communities and our communal institutions, and to offer several practical, achievable policy recommendations to improve response to hate violence and address this critical domestic threat. We respectfully request that this statement be included as part of the official hearing record.

Established in 1971, the SPLC has been tireless in identifying and rooting out extremist groups to create a fair, inclusive, and unified nation. We are a nonprofit advocacy organization serving as a catalyst for racial justice throughout the South. We work in partnership with communities of color to dismantle white supremacy, strengthen intersectional movements through transformative policies and initiatives, and advance human rights of all people. We work primarily in the Southeast United States, where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.

We have deep expertise in monitoring the activities of domestic hate groups and other extremists – including the Ku Klux Klan, the neo-Nazi movement, racist skinheads, antigovernment militias, and others. We currently track hundreds of extremist groups operating across the country and publish investigative reports, share key intelligence, and offer expert analysis to the media and public. The SPLC's seminal annual report on the threats posed by domestic hate organizations and anti-government militia groups, *Year in Hate and Extremism 2023*, was released in June.<sup>1</sup>

### **SPLC Year in Hate and Extremism Report**

The SPLC's Year in Hate & Extremism report, issued annually, provides a comprehensive analysis of the groups and organizational infrastructure upholding white supremacy in the United States. Our most recent report documents trends in hard-right activity as a tool for media, advocates, and communities working to prevent radicalization and counter white supremacy, disinformation, and false conspiracies.<sup>2</sup>

The report documented 835 active antigovernment groups (an increase from 702 in 2022) and 595 active hate groups (an increase from 523 in 2022), including record numbers of white nationalist and anti-LGBTQ groups. The report revealed an intensifying effort by antigovernment extremists to undermine democratic institutions, especially at the local level.

Here are other highlights from this year's report:

- Extremists and those opposing inclusive democracy spent the last year legitimizing insurrection, painting hate as virtuous and transforming conspiracy theories into mainstream narratives — all in preparation for one of the most significant elections in U.S. history.
- Communities of color, immigrant communities, minority faith communities, and LGBTQ+ communities have all been targeted – and experienced the negative effects of hate-filled rhetoric and antigovernment conspiracies through actions such as banning books, protesting drag story hours, and using school boards as political battlegrounds.
- Extremist rhetoric about antisemitism seeped into mainstream narratives at an alarming pace in 2023, particularly after Hamas' Oct. 7 terrorist attack, blurring the lines between legitimate criticism of the Israeli government's actions and outright antisemitism. And we also tracked a shift back to hardline Islamophobia after Oct. 7 from anti-Muslim groups.

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<sup>1</sup> Southern Poverty Law Center. (2023). *Year in Hate and Extremism 2023*. <https://www.splcenter.org/resources/year-hate-extremism-2023>.

<sup>2</sup> Southern Poverty Law Center. (2023). *Year in Hate & Extremism 2023*, <https://www.splcenter.org/resources/year-hate-extremism-2023>, (2024, June). An FAQ on SPLC's methodology in labeling hate and antigovernment extremist groups is here: <https://www.splcenter.org/20220216/frequently-asked-questions-about-hate-and-antigovernment-groups>.

- Christian supremacy and dominionism are now animating features of antigovernment conspiracies and movement organizing, with the goal of transforming U.S. culture and politics into an authoritarian state. Efforts by these activists to make Christianity authoritative and supreme in everyone’s lives represent the greatest threat to American democracy that most people have never heard of.
- The militia movement continued to shift to a more local and regional structure, attempting to “rebrand” themselves as benign, supplemental law enforcement or disaster relief workers in their community. The national structure used by militias like Oath Keepers and Three Percenters proved a liability following the law enforcement crackdown after Jan. 6. This resulted in many militias reverting to the local/regional structure used in past decades. But these efforts are merely a smokescreen, a public relations ruse, as their combat trainings still feature heavily armed followers training for what they view as an inevitable battle with the New World Order.<sup>3</sup>

### **The Nature and Magnitude of the Current Hate Crime Threat**

There is a long history of threats and violence directed against marginalized and historically discriminated against people – especially Black Americans and their institutions. Though it has been more than 60 years since Ku Klux Klan members bombed the 16<sup>th</sup> Street Baptist Church in Birmingham on September 15, 1963, killing four Black schoolgirls, the impact and harm of that horrific crime still resonates deeply today.<sup>4</sup> And over the past decade, our nation has witnessed far too many other racist and antisemitic attacks on houses of worship and community institutions.

- On August 5, 2012, six people were killed and three others wounded when a white supremacist gunman entered the Oak Creek, Wisconsin, Sikh Gurdwara and opened fire.
- On June 17, 2015, a white supremacist joined a prayer group meeting at the Mother Emanuel African Methodist Episcopal (AME) Church in Charleston, South Carolina, and opened fire, murdering nine worshippers and injuring one other in the historic Black church.
- On October 27, 2018, an avowed white supremacist entered Pittsburgh’s Tree of Life Synagogue and murdered 11 Shabbat worshippers and injured two others from the three congregations that were meeting there for Shabbat morning services – the deadliest antisemitic incident in American history. Four law enforcement officials were also wounded responding to the shooting.
- On August 3, 2019, an individual who had posted a manifesto trumpeting white nationalist talking points traveled more than nine hours to El Paso, Texas, to target a heavily Hispanic shopping center, killing 23 people and injuring two dozen more people.
- On January 15, 2022, an individual seeking the release of an al-Qaeda operative held four Shabbat worshipper’s hostage at Congregation Beth Israel in Colleyville, Texas.
- In the first few months of 2022, and then throughout the course of that year, there was a deeply disturbing increase in bomb threats across the country, about 50 of which targeted Historically Black Colleges and Universities (HBCUs), with 19 more against Predominately Black Institutions (PBIs). These threats – traumatizing campuses and communities and reminiscent of this country’s long history of white supremacist attacks on Black churches – were attacks with the explicit goal of terrorizing Black communities to assert control.
- On May 14, 2022, a gunman traveled more than 200 miles to carry out a horrific, racist attack on the Black community, killing 10 people and wounding three others at a Tops grocery store in Buffalo, New York. The gunman left behind an online screed suggesting the attack was motivated by a racist conspiracy theory that has previously inspired other white supremacist acts of terror.

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<sup>3</sup> McAdam, T. (2024). *Continued Insurrection Fallout Forces Militias to Adapt*. Southern Poverty Law Center. *The Year in Hate & Extremism*. <https://www.splcenter.org/year-hate-extremism-2023/militias-adapt>.

<sup>4</sup> National Park Service, (1963). *16<sup>th</sup> Street Baptist Church Bombing*. <https://www.nps.gov/articles/16thstreetbaptist.htm>.

In recent years, top officials at the Department of Justice, the FBI, the DHS, and the intelligence community have prepared reports,<sup>5</sup> assessments<sup>6</sup> and congressional testimony,<sup>7</sup> concluding that the two most lethal elements of today's domestic terrorism threat are (1) racially or ethnically motivated violent extremists who advocate for the superiority of the white race and (2) anti-government or anti-authority violent extremists, such as militia violent extremists.

Though the vast majority of hate crimes are not committed by members of organized hate groups, the symbols, slogans, discrimination, bigotry, conspiracy theories, and disinformation that undergird and motivate these groups can shape attitudes, encouraging and influencing others to engage in violent bias-motivated criminal activity. At this time of great polarization, when far-right conspiracies once promoted only by hate groups on the fringes of society have been mainstreamed, spread widely online, and even embraced by influential media figures, lobbying groups, and elected officials, the potential for rising bias-motivated violence has increased.<sup>8</sup> We must do more to educate against hate, to intervene, disrupt, and create off-ramps to inoculate against white supremacist radicalization.<sup>9</sup> Implementing early, age-appropriate education, far upstream and prior to exposure to radicalizing extremist content, has also proven to be an important component of challenging and mitigating extremist harm.<sup>10</sup>

Hate crimes are very personal crimes, with unique emotional and psychological impacts on the victim – and the victim's community. They are intentionally and specifically directed towards individuals because of their personal and immutable characteristics. These crimes effectively intimidate other members of the victim's community, leaving them feeling terrorized, isolated, vulnerable, and unprotected by the law. Hate crimes have a multiplier effect and can make an entire community fearful, angry, and suspicious of other groups – and the power structure that is supposed to protect them. The long-term repercussions of hate crimes are wide-ranging and can damage the fabric of our society and fragment communities.

For this reason, we recommend implementing mandatory reporting of hate crimes for more accurate data collection and more targeted responses to these domestic threats, increased funding for community investment, and education to combat extremism and misinformation upstream prior to radicalization.

It is impossible to address our nation's hate crime problem without measuring it accurately. Under the Hate Crime Statistics Act of 1990 (HCSA),<sup>11</sup> the FBI is required to compile hate crime data from the more than

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<sup>5</sup> Office of the Director of National Intelligence. (2021, March). *Domestic Violent Extremism Poses Heightened Threat in 2021*. <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>.

<sup>6</sup> FBI and Department of Homeland Security. (2023, June). *Strategic Intelligence Assessment and Data on Domestic Terrorism*. [https://www.dhs.gov/sites/default/files/2023-07/23\\_0724\\_opa\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2023-07/23_0724_opa_strategic-intelligence-assessment-data-domestic-terrorism.pdf).

<sup>7</sup> Testimony of Christopher A. Wray, Director, Federal Bureau of Investigation, Senate Committee on Homeland Security and Governmental Affairs. (2021, September 21). *Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11*. <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Wray-2021-09-21-REVISED.pdf> and Testimony of Alejandro N. Mayorkas Secretary U.S. Department of Homeland Security Senate Committee on Homeland Security and Governmental Affairs. (2021, September 21). *Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11*. <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Mayorkas-2021-09-21.pdf>.

<sup>8</sup> Department of Homeland Security, National Terrorism Advisory System Bulletin. (2022, February 7). *Summary of Terrorism Threat to the U.S. Homeland*: “an online environment filled with false or misleading narratives and conspiracy theories, and other forms of mis-dis-and mal-information (MDM) introduced and/or amplified by foreign and domestic threat actors. These threat actors seek to exacerbate societal friction to sow discord and undermine public trust in government institutions to encourage unrest, which could potentially inspire acts of violence.” <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>.

<sup>9</sup> Kieffer, C. (2023, may 12). *Buffalo Massacre: A Year Later, White Supremacist Propaganda Continues to Spur Violence*. <https://www.splcenter.org/news/2023/05/11/buffalo-massacre-year-later>.

<sup>10</sup> Southern Poverty Law Center and American University Polarization and Extremism Research and Innovation Lab (PERIL). *Parents & Caregivers Guide to Online Youth Radicalization*. <https://www.splcenter.org/peril>.

<sup>11</sup> U.S. Congress. (1990, April 23). *Public Law 101-275*. 101st Congress. Available at <https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg140.pdf>.

18,000 federal, state, university, city, and tribal law enforcement authorities and publish an annual report. The FBI most recent HCSA report, published on October 16, 2023, documents 2022 hate crimes.<sup>12</sup>

The HCSA report provides data on the full range of hate crimes – race/ethnicity, religion, sexual orientation, disability, gender, and gender identity – aggregated by states, cities, counties, and colleges and universities. The FBI includes data from all police agencies that either report one or more hate crime or affirmatively report zero (0) hate crimes. Agencies that do not report any data are not included in the report.

Unfortunately, reporting is voluntary for state, local, and tribal law enforcement agencies, and many do not provide their information.<sup>13</sup> Underreporting remains a persistent issue, obscuring the scale and scope of hate crimes in this country. For the fifth year in a row, participation in the FBI data collection program declined in 2022.<sup>14</sup> To the extent states and cities are reporting credible hate crime data, the HCSA report provides a measure of accountability for states and cities and a revealing look into their ability and readiness to address hate crime. A large city that does not report data to the FBI – or affirmatively reports zero hate crimes – does not inspire confidence that they are ready and able to address hate violence.

### **Highlights of the 2022 FBI HCSA report:**

- The FBI reported 11,643 hate crime incidents –the highest figures the FBI has ever recorded and 7.4 percent higher than the 10,840 reported for 2021 (the previous highest reporting year).
- **Race-based crimes** were most numerous – as they have been every year since 1991.
  - 6,570 race-based crimes – 56 percent of the total – and the highest number of race-based crimes ever recorded.
  - 3,424 hate crimes against Black people (4 percent more than in 2021, 52 percent of the race-based crimes, 29 percent of the total hate crimes). Every year since 1991, a majority of race-based crimes have been against Black people.

There were 525 crimes directed against individuals and property in Asian American/Pacific Islander communities in 2022 – the second highest number since 1991, but a 34 percent decrease from 789 in 2021, the highest figures ever recorded.

**Anti-Hispanic** hate crimes increased, from 698 to 738, a 6 percent increase and the highest number of anti-Hispanic crimes ever reported.

- **Religion-based** hate crimes were the second highest category.
  - 2,044 hate crimes directed at people because of their religion – a 28 percent increase over 1,590 in 2021 and the highest number of religion-based crimes ever reported.
  - 1,124 directed at Jews or Jewish institutions – a 38 percent increase over the 817 reported in 2021 and the highest number of anti-Jewish crimes since 1993.
    - 55 percent of all religion-based hate crimes.
- **Sexual orientation** was the third highest category.

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<sup>12</sup> U.S. Department of Justice, Federal Bureau of Investigation. (2022). *Hate Crime Statistics*. Federal Bureau of Investigation, Crime Data Explorer. <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

<sup>13</sup> See **Appendix One** for a list of all 83 law enforcement agencies serving jurisdictions with populations over 100,000 that either did not report any data to the FBI in 2022, or affirmatively reported zero (0) hate crimes. Data compiled from FBI Table 13, Hate Crime Incidents per Bias Motivation and Quarter by State, Territory, Federal, and Agency, 2022, and Table 14, Hate Crime Zero Data Submitted per Quarter by State, Federal, and Agency, 2022. <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads>.

<sup>14</sup> U.S. Department of Justice, Federal Bureau of Investigation. (2022). *Hate Crime Statistics Act Report*. <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

- 1,947 hate crimes targeted at individuals because of their sexual orientation – a 14 percent increase over the 1,711 reported for 2021 and the highest number of sexual orientation-based crimes ever reported.
- 469 hate crimes were directed against people and property on the basis of their **gender identity**, a 37 percent increase over 342 reported in 2021 (after a 29 percent increase from 2020 to 2021) – and, by far, the highest reported since the FBI began collecting this specific data in 2013.
- A special five-year FBI retrospective on hate crime in in K-12 schools, colleges, and universities documented that schools are the third most common location for hate crimes, accounting for ten percent of all reported hate crimes offenses in 2022.<sup>15</sup>

Hate crime reports came from 14,660 participating law enforcement agencies in 2022 – out of more than 18,800 federal, state, local, and tribal law enforcement agencies nationwide.

- This is a decrease from the 14,859 reporting agencies for 2021, the lowest number of reporting agencies since 2012, and the fifth straight year of decline in police participation.
- 3,109 of the 14,660 agencies that participated in the FBI data collection effort – 21 percent – reported one or more hate crimes – the highest number of agencies reporting one or more hate crimes ever.
- 79 percent of all police agencies that participated in the 2022 HCSA data collection program affirmatively reported zero (0) hate crimes, including dozens of cities with over 100,000 in population.

Though clearly incomplete due to underreporting, the annual FBI HCSA reports provide the most comprehensive national snapshot available of hate violence in America. Because the FBI has integrated hate crime reporting into its overall Uniform Crime Reporting system (UCR) since 1991, the report can be compared to other crime data and used to analyze national trends. Even more important, the HCSA report has sparked many improvements in the way police departments across the country address hate violence.

To understand the annual FBI HCSA report, there are several key facts to keep in mind:

- 1) **Reporting hate crime data to the FBI is not compulsory.** The entire UCR system of crime reporting is voluntary – murders, rapes, kidnapping, robberies: all voluntarily reported to the FBI by federal, state, local, and tribal law enforcement agencies. In addition, 29 states and the District of Columbia mandate reporting this data to their own state criminal justice authority.<sup>16</sup> One state, New Mexico, mandates reporting to the FBI, as well.<sup>17</sup>
- 2) **The FBI HCSA reports exclusively on crimes – not arrests or prosecutions** – just the facts as they appear at the scene of the crime. 46 states and the District of Columbia have hate crime laws, but even states without a hate crime statute report hate crime data to the FBI. The 92-page 2022 FBI *Hate Crime Data Collection Guidelines and Training Manual* contains definitions, scenarios, and best practices for

<sup>15</sup> Federal Bureau of Investigation, (2024, January). *Reported Hate Crime at Schools: 2018-2022*, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/special-reports>.

<sup>16</sup> Movement Advancement Project, *Hate Crime Laws*. [https://www.mapresearch.org/equality-maps/hate\\_crime\\_laws](https://www.mapresearch.org/equality-maps/hate_crime_laws).

<sup>17</sup> Justia. (2023). *2023 New Mexico Statutes Chapter 31 - Criminal Procedure Article 18B - Hate Crimes Section 31-18B-4 - Hate crimes; data collection*. <https://law.justia.com/codes/new-mexico/chapter-31/article-18b/section-31-18b-4/>.

reporting this data to the Bureau.<sup>18</sup> The guide is an excellent resource to assist stakeholders in identifying and crafting a meaningful prevention plan and response to hate crime.

- 3) Studies have shown that more comprehensive, complete hate crime reporting can deter hate violence.<sup>19</sup> Better data will assist in the proper allocation of police resources and personnel – preventing crimes and reassuring victims.<sup>20</sup> In addition, effective data collection helps facilitate better police-community relations. Improved data collection will necessarily require outreach and expanded networking and communication with targeted communities, as well as more training for law enforcement personnel in how to identify, report, and respond to hate violence. The International Association of Chiefs of Police has long recognized the importance of effective response to hate violence. Their March 2021 Model Hate Crime Policy is inclusive and excellent – and promotes mandatory hate crime reporting to the FBI and hate incident reporting as a best practice.<sup>21</sup> The National Policing Institute’s Open Data Initiative demonstrated conclusively the police-community relations benefits of credible, real-time open hate crime data.<sup>22</sup>
- 4) **The numbers do not speak for themselves.** On average, more than 32 hate crimes occurred every day in America in 2022. The impact of these crimes on communities can never be reduced to mere numbers. Behind each of the 11,643 reported criminal incidents in 2022 is a victim of violence, intimidation, or vandalism who has been targeted for no other reason than their race, religion, national origin, gender, gender identity, or sexual orientation.
- 5) **Accurate hate crime data collection is a two-way street.** Improved reporting requires both law enforcement agency capability and willingness to accurately report the data and trust from the community that reporting to the police will matter and make a difference. If Black, Indigenous, and people of color (BIPOC) or other targeted community members – including immigrants, people with disabilities, LGBT community members, Muslims, Arabs, Middle Easterners, South Asians, and people with limited language proficiency – cannot report, or do not feel safe reporting, law enforcement cannot effectively address these crimes, thereby jeopardizing the safety of all.
- 6) **Analyzing HCSA data requires nuance.** The voluntary nature of the HCSA program and the obvious, consistent underreporting have created gaps in our overall understanding of hate crimes in America. We really cannot know if the 2022 HCSA report accurately documented that more hate crimes were committed, or if the report merely reflects better, more complete reporting by police and victims. Many African Americans, Latinx, Muslims, LGBTQ people, and other historically discriminated communities do not trust the police and, for a variety of reasons, may be reluctant to report their hate crimes.<sup>23</sup>

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<sup>18</sup> Department of Justice, Federal Bureau of Investigation. (2022). *Hate Crime Data Collection Guidelines and Training Manual*. <https://le.fbi.gov/file-repository/hate-crime-data-collection-guidelines-and-training-manual.pdf/view>.

<sup>19</sup> Schwencke, K. (2023, July 11). *There have been huge gaps in FBI hate crime data for years. A new law aims to fix that*. ProPublica. <https://www.propublica.org/article/there-have-been-huge-gaps-in-fbi-hate-crime-data-for-years-a-new-law-aims-to-fix-that>.

<sup>20</sup> International Association of Chiefs of Police. (2021, March). *Investigation of Hate Crimes*, Concepts and Issues Paper. <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf>.

<sup>21</sup> International Association of Chiefs of Police. (2021, March) *Investigation of Hate Crime*, Model Policy. <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf>.

<sup>22</sup> National Policing Institute. (2018, January). *Releasing Open Data on Hate Crimes: A Best Practices Guide for Law Enforcement Agencies*. <https://www.policinginstitute.org/publication/releasing-open-data-on-hate-crimes-a-best-practices-guide-for-law-enforcement-agencies/>.

<sup>23</sup> According to national surveys conducted by the Department of Justice’s Bureau of Justice Statistics (BJS), almost 250,000 hate crimes occurred each year between 2005 and 2019. [https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519\\_1.pdf](https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519_1.pdf). The BJS bases its estimate not on FBI UCR data collected from law enforcement agencies but rather on its annual National Crime Victimization Survey, which samples about 95,000 households. <https://bjs.ojp.gov/data-collection/ncvs>. The actual number of hate crimes is likely somewhere between the BJS estimate and the number reported by the FBI.

### **Federal Legislative Response to Hate Violence.**

Congress enacted the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) in 2009.<sup>24</sup> The HCPA complements and updates other federal criminal civil rights statutes, facilitating investigations and prosecutions and, for the first time, providing authority for federal officials to work in partnership with state and local law enforcement officials to investigate and prosecute cases in which the bias-motivated violence occurs because of the victim's actual or perceived sexual orientation, gender, gender identity, or disability. The HCPA attracted the support of a remarkably broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations that promoted the enactment of the measure for more than a dozen years until it became law. It has proven to be the most important hate crime enforcement law enacted in the past 50 years.

In recent years, Congress has complemented existing federal criminal enforcement laws with important legislation designed to build community awareness and resilience, expand law enforcement training, and improve hate crime reporting. Importantly, over the past two years, Congress has provided unprecedentedly high levels of funding for hate crime training and prevention programs.<sup>25</sup> The Department of Justice Bureau of Justice Assistance has done excellent, essential work in translating these appropriations into grants for programs and initiatives that are making a difference in communities and law enforcement agencies across the country.<sup>26</sup> But much more needs to be done.

### **The COVID-19 Hate Crime Act**

Enactment of the COVID-19 Hate Crimes Act in May 2021, which included the provisions of the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act (NO HATE Act) in Section 5, was an important step forward.<sup>27</sup> That law – sparked by thousands of incidents of violence, harassment, and intimidation directed against Asian American and Pacific Islander community members – authorized incentive grants to stimulate improved local and state hate crime training, prevention, best practices, and data collection initiatives. The law also authorized grants available for state hate crime reporting hotlines to direct individuals to local law enforcement and support services.

It is especially important that the mandate to create state hate crime hotlines be implemented with substantial input by community-based organizations and the lead civil rights and religious organizations with expertise on hate crime prevention and response. The plain language of the COVID-19 Hate Crime Act is designed to ensure that these hotlines are operated by state public health officials, victim assistance programs, or human relations/rights commissions, not by any law enforcement agency.<sup>28</sup> Approaches to hate crimes and violent extremism should be de-securitized, with a focus on community investment, education and prevention initiatives, and social and economic support rather than solely investing in law enforcement agencies and the after-effects of hate violence.<sup>29</sup>

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<sup>24</sup> U.S. Congress. (2009, October 28). Public Law 111-84, Division E, 111<sup>th</sup> Congress. Available at <https://www.congress.gov/111/plaws/publ84/PLAW-111publ84.pdf>.

<sup>25</sup> Associate Attorney General Vanita Gupta Delivers Remarks at Reconciling the Past, Building the Future: Law Enforcement and Community Partnerships Against Hate. (2023, October 30). <https://www.justice.gov/opa/speech/associate-attorney-general-vanita-gupta-delivers-remarks-reconciling-past-building>

<sup>26</sup> For a listing of dozens of current and past grant programs funded by the Bureau of Justice Assistance, see <https://www.hatecrimestta.org/Grantees>.

<sup>27</sup> U.S. Congress. (2021, May 20). *Public Law 117-13*. 117<sup>th</sup> Congress. Available at <https://www.congress.gov/117/plaws/publ13/PLAW-117publ13.pdf>.

<sup>28</sup> The California statewide hate crime hotline, which is run by the California Civil Rights Department, is truly a model for the nation. The goals of the initiative are: 1) Help individuals and communities targeted for hate; 2) Identify options for next steps after an act of hate; 3) Connect people targeted for hate with culturally competent resources and care coordination services; 4) Improve hate incident and crime reporting data to enhance prevention and response. <https://www.cavshate.org/>.

<sup>29</sup> Panduranga, H. (2021, June 17). *Community Investment, Not Criminalization*. Brennan Center for Justice. [https://www.brennancenter.org/sites/default/files/2021-06/2021\\_06\\_DHS\\_Targeted\\_Prevention.pdf](https://www.brennancenter.org/sites/default/files/2021-06/2021_06_DHS_Targeted_Prevention.pdf).



### **The Improving Reporting to Prevent Hate Act of 2024**

We strongly support this bipartisan legislation, sponsored by Reps. Don Beyer (D-VA) and Don Bacon (R-NE), that would condition federal funding for large law enforcement agencies (those serving jurisdictions over 100,000 in population) on credible hate crime reporting to the FBI or meaningful hate crime prevention, outreach, and awareness initiatives by such agencies.<sup>30</sup>

World events, political polarization, misinformation, and heightened racial, ethnic, and religious tensions have contributed to the recent surge in hate crimes across the United States.<sup>31</sup> Yet, as previously noted, in a year of record-breaking FBI hate crime reports, thousands of police agencies across the country did not report any hate crime data to the FBI – and almost 80 percent of the rest reported to the FBI that they had zero (0) hate crimes. That is a stunning statistic.

Improving data collection requires both targeted people reporting crimes and well-trained police knowing how to identify, report, and respond to hate violence. Research has shown that better hate crime data would assist in the proper allocation of police resources and personnel – preventing crimes, reassuring hate crime survivors, and building trust and relationships between law enforcement and the communities they serve.<sup>32</sup>

### **The Antisemitism Awareness Act**

We oppose the Antisemitism Awareness Act, legislation passed by the House on May 1.<sup>33</sup> This legislation would mandate that the Department of Education consider a specific definition of antisemitism, the controversial non-legally binding International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, in Department of Education Title VI anti-discrimination investigations, including its related “contemporary examples.” The accompanying examples, without doubt, include First Amendment-protected speech and, therefore, could blur the distinction between antisemitism and criticism of the policies or government of the state of Israel. At a time of escalating concerns about antisemitism, the adoption of this harmful and unnecessary legislation would increase division and polarization – and do nothing to meaningfully counter antisemitism.

Criticism of Israel – even harsh criticism – is not inherently antisemitic. Individuals can cross the line from legitimate political speech to antisemitism when they target and punish individual Jews or Jewish institutions for the actions of the Israeli government. However, political protests and the right to criticize government policies are essential components of our democracy – not to be limited by political motivation or confined to a particular moment in time. For these and other overbreadth concerns, the American Bar Association House of Delegates rejected the use of the IHRA definition in adopting their very strong February 2023 Midyear Meeting Resolution condemning antisemitism.<sup>34</sup>

Importantly, this legislation is unnecessary. The Department of Education already has the authority to investigate instances in which anti-Israel activity – including antisemitic stereotypes and anti-Israel or anti-Zionism expressions coded as political discourse – cross the line to targeted, intentional, unlawful, discriminatory intimidation and harassment of Jewish students.

Since 2010, the Department of Education has determined that Title VI of the 1964 Civil Rights Act, which prohibits discrimination based on race, color, or national origin by federally funded programs, extends to

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<sup>30</sup> H.R. 7648, *Improving Reporting to Prevent Hate Act of 2024*, 118th Congress. Available at <https://www.congress.gov/118/bills/hr7648/BILLS-118hr7648ih.pdf>.

<sup>31</sup> Leadership Conference on Civil and Human Rights, Leadership Conference Education Fund. (2023, April). *Cause for Concern 2024, The State of Hate*. <https://civilrights.org/edfund/wp-content/uploads/sites/2/2023/04/Cause-For-Concern-2024.pdf>.

<sup>32</sup> National Institute of Justice. (2023, August 1). *Using research to improve hate crime reporting and identification*. U.S. Department of Justice. <https://nij.ojp.gov/topics/articles/using-research-improve-hate-crime-reporting-and-identification>.

<sup>33</sup> H.R. 6090, *Antisemitism Awareness Act*. 118<sup>th</sup> Congress. (2023, March 13). Available at <https://www.congress.gov/bills/118/congress/house-bill/6090/text>.

<sup>34</sup> U.S. House of Delegates. (2023, February 6). *Midyear Meeting 2023 - House of Delegates Resolution* [Video]. ABA. [https://www.americanbar.org/news/reporter\\_resources/midyear-meeting-2023/house-of-delegates-resolutions/514/](https://www.americanbar.org/news/reporter_resources/midyear-meeting-2023/house-of-delegates-resolutions/514/).

students who experience discrimination or harassment based on their actual or perceived shared ancestry or ethnic characteristics – including Jews, Muslims, Sikhs, and others.<sup>35</sup> In recent years, as concerns about antisemitism and Islamophobia have grown, the Department has made clear that it will use its authority to protect these students from discrimination. The Department’s Office for Civil Rights deserves applause for its vigorous enforcement of its authority. The OCR website currently includes a listing of more than 150 elementary-secondary and post-secondary institutions that are currently under investigation for alleged antisemitism or other discrimination involving forms of shared ancestry.<sup>36</sup>

In May 2023, the Department announced a specific Antisemitism Awareness Campaign, providing resources and reminding schools of their legal obligations under Title VI to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination.<sup>37</sup> Recent OCR Title VI enforcement actions further demonstrate the agency’s commitment to addressing harassing or intimidating behaviors that deprive students of equal educational opportunities – including anti-Israel activity when it crosses the line into unlawful discriminatory conduct.<sup>38</sup>

It is disturbing that some Members of Congress, including Members supporting the Antisemitism Awareness Act, have supported *reducing* funding for this essential federal anti-discrimination enforcement agency. Last March, SPLC joined the Leadership Conference on Civil and Human Rights and many other national organizations in urging President Biden and congressional leaders to double funding for OCR.<sup>39</sup>

### **Countering Antisemitism Act**

In addition, we have significant concerns about the narrow approach of the proposed Countering Antisemitism Act (CAA), legislation that would create a National Coordinator to Counter Antisemitism who would lead an interagency task force to implement the May 2023 U.S. National Strategy to Counter Antisemitism and future government strategies.<sup>40</sup> No one form of hate should be privileged over others. The recent rise in religion-based hate incidents is particularly concerning and not only threatens the safety and well-being of targeted communities but also erodes the social fabric and unity of our nation. If we are to truly become "one Nation under God, indivisible, with liberty and justice for all," we must adopt policies that foster a safe, inclusive, and equitable society for everyone. In addition, the CAA makes reference to only one definition of antisemitism, the International Holocaust Remembrance Alliance (IHRA) definition, stating that this definition “should be utilized by Federal, State, and local agencies.” As previously noted, the adoption of the controversial IHRA definition, with its “contemporary examples,” threatens to limit protected First Amendment speech and confuse and muddy the distinction between antisemitism and legitimate criticism of the policies or government of the state of Israel.

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<sup>35</sup> Ali, R. (2010, October 26). "Dear Colleague" letter from Assistant Secretary for Civil Rights. United States Department of Education Office for Civil Rights. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.

<sup>36</sup> Office for Civil Rights (OCR). (2024, August 22). *Shared Ancestry or Ethnic Characteristics*. US Department of Education. <https://www2.ed.gov/about/offices/list/ocr/sharedancestry.html>.

<sup>37</sup> Office for Civil Rights (OCR). (2023, May 25). *U.S. Department of Education Launches Antisemitism Awareness Campaign*. U.S. Department of Education. <https://www.ed.gov/news/press-releases/us-department-education-launches-antisemitism-awareness-campaign> and Lhamaon, C. (2023, May 25). *Dear Colleague Antisemitism*. Department of Education’s Office for Civil Rights (OCR). [https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).

<sup>38</sup> Office for Civil Rights (OCR). (2023, April 23). *U.S. Department of Education’s Office for Civil Rights Resolves Investigation Addressing the University of Vermont’s Responses to Allegations of Antisemitic Incidents*. U.S. Department of Education. <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-resolves-investigation-addressing-university-vermonts-responses-allegations-antisemitic-incidents>.

<sup>39</sup> The Leadership Conference on Civil and Human Rights, (2024, February 14). *Double the Funding for ED OCR*. <https://civilrights.org/wp-content/uploads/2024/02/Double-the-Funding-for-ED-OCR.pdf>.

<sup>40</sup> S. 4091 (2024, April 9), *Countering Antisemitism Act*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/s4091/BILLS-118s4091is.pdf>. H.R. 7921 (2024, April 10), *Countering Antisemitism Act*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/hr7921/BILLS-118hr7921ih.pdf>

SPLC supported the White House *National Strategy to Counter Antisemitism* and SPLC programs were included among the many whole-of-society initiatives announced in the comprehensive plan.<sup>41</sup> In the section entitled “Build Cross-Community Solidarity and Collective Action to Counter Hate,” the Strategy states:

Antisemitism does not exist in a vacuum. While antisemitism has unique characteristics, people who express hatred toward Jews frequently hold other biases based on actual or perceived religion, race, ethnicity, national origin, sexual orientation, gender, or gender identity. The perpetrators of hate-fueled attacks frequently deploy rhetoric that contains antisemitic, anti-Black, and anti-LGBTQI+ themes. The Neo-Nazis who marched in Charlottesville in 2017 believed in a toxic brew of myriad hatreds. Those who target Jews also target women, Black, Latino, Muslim, AANHPI, and LGBTQ+ Americans, and so many other communities.

Antisemitism does not appear in isolation. For decades, SPLC has been committed to tracking and combating antisemitism as part of our efforts to build an inclusive, multi-racial society. Effective efforts to dismantle white supremacy must include action to educate about and combat antisemitism, alongside and connected with actions to prevent other acts of hate and bias.<sup>42</sup>

Anti-Jewish hatred is one of the core components of bigoted ideologies – underlining the need for a more robust interracial and intercommunal approach to combating antisemitism in America. Efforts that isolate antisemitism from other forms of bigotry, such as anti-Black and anti-Asian racism and other forms of discrimination, fail to prevent and address the root causes of prejudice, hate, and bias-motivated criminal activity.

In July, forty organizations, led by the Leadership Conference on Civil and Human Rights, wrote to Senate and House leadership to urge Members to take an inclusive and intersectional approach in congressional action to counter all forms of hate.

Our country finds strength in diversity and unity — and every person deserves to live in a community that is safe, welcoming, and inclusive....At this critical juncture, it is essential that administration and congressional efforts prioritize the need to combat all forms of hate, to promote mutual respect and understanding, and to ensure that all individuals, regardless of their background, feel protected and valued....Now is the time for more robust, more concerted interracial and intercommunal approaches designed to address hate.<sup>43</sup>

During the White House 2022 United We Stand Summit, in which SPLC participated, the administration stressed the need for a whole-of-society, coordinated effort to combat all forms of hate and bigotry that fuel toxic divisions in our country.<sup>44</sup> That is the better, more effective approach. We should focus on efforts to carry forward the significant programs and initiatives designed to address antisemitism together with other forms of

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<sup>41</sup> The White House. (2023, May 25). U.S. *National Strategy to Counter Antisemitism*. <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf> and The White House. (2023, May 25). *Fact Sheet: Biden-Harris Administration Releases First-Ever U.S. National Strategy to Counter Antisemitism*. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/25/fact-sheet-biden-harris-administration-releases-first-ever-u-s-national-strategy-to-counter-antisemitism/>.

<sup>42</sup> Fugardi, R., et al. (2024, April 8). *Understanding and Countering Antisemitism and Islamophobia in Schools*. Southern Poverty Law Center (SPLC). <https://www.learningforjustice.org/magazine/understanding-and-countering-antisemitism-and-islamophobia-in-schools>. And see Corke, S. (2022, October 3). *Countering Violent Extremism, Terrorism, and Antisemitic Threats in New Jersey*. Southern Poverty Law Center’s Intelligence Project. [https://www.splcenter.org/sites/default/files/corke\\_countering-violent-extremism-terrorism-antisemitic-threats-jersey.pdf](https://www.splcenter.org/sites/default/files/corke_countering-violent-extremism-terrorism-antisemitic-threats-jersey.pdf) and Corke, S. and Lieberman, M. (2023, April 14). *Antisemitism: An Engine for anti-Black Racism*. State of Black America. <https://stateofblackamerica.org/authors-essays/antisemitism-engine-anti-black-racism>.

<sup>43</sup> Leadership Conference on Civil and Human Rights, (2024, July 25). *coalition letter from 40 organizations promoting inclusive response to hate crimes*. <https://civilrights.org/wp-content/uploads/2024/07/Leadership-Conference-Letter-to-Congressional-Leadership-on-Countering-Hate.pdf>.

<sup>44</sup> The White House, *United We Stand Summit*. (2022, September 15). *Hate-fueled violence can have no safe harbor in America*. <https://unitedwestand.gov/> and Warren, L. (2022, September 23). *Attacking Extremist Violence: SPLC supports White House anti-hate initiatives announced during United We Stand Summit*. Southern Poverty Law Center (SPLC). <https://www.splcenter.org/news/2022/09/23/splc-supports-white-house-anti-hate-initiatives>.

hate-fueled discrimination and extremism announced at that impactful Summit. In fact, the very first commitment announced at the Summit was The White House Initiative on Hate-Motivated Violence, designed to

strengthen interagency coordination in preventing and responding to hate-motivated violence, leverage federal research and resources, and enhance engagement and consultation with diverse stakeholders, including communities targeted for who they are or what they believe.<sup>45</sup>

We have called for Congress to appropriate \$10 million to implement the Summit’s meaningful commitments.<sup>46</sup>

Our country remains deeply divided, and hostility toward difference is growing. Administration and congressional efforts to act and speak out against all forms of hate and bias remain essential to make progress in our interconnected struggle for equality and justice. At this time of increased antisemitic violence, it is important that we prioritize meaningful efforts to dismantle antisemitism, *and* all the machinery used to manufacture fear and divide communities. As such, instead of advancing the Countering Antisemitism Act, Congress should take a more comprehensive approach to combatting hate and extremism.

### **Building Community Resilience and Assisting Victims**

When religious communities, houses of worship, HBCUs and other institutions working to serve and uplift distinct communities are targeted for violence and vandalism, it is imperative that the needs of victims-survivors are addressed first. It is understandable that one instinct is to increase physical security for our houses of worship and community institutions – higher walls, more cameras, more bulletproof glass, and even armed guards. But this cannot be our only response. Broad community cohesion and support is essential. Houses of worship and HBCUs are different from airports – and they cannot become armed fortresses, isolated and segregated from the broader community.<sup>47</sup> To maintain the essence of our communal institutions, we must look beyond security measures and address the root causes of extremism and hate violence. The challenge is to find a balance between the imperative that our institutions continue to be open and welcoming and efforts to ensure that they remain safe spaces for worship, learning, and community building.

There is robust, bipartisan support in Congress for significantly increased funding for FEMA’s Nonprofit Security Grant Program (NPSG), which is currently funded at over \$430 million.<sup>48</sup> This program has helped fund bulletproof doors, shatterproof glass, secure entry systems, panic buttons, and security guards for many at-risk faith communities and essential public institutions. As Congress and the administration assess the proper budget for NPSG programs to deter and detect attacks, we urge that this support be complemented with a parallel commitment to fund research and prevention initiatives to address what the administration labeled as “long-term contributors to domestic terrorism” in its June 2021 National Strategy for Countering Domestic Terrorism.<sup>49</sup>

One of the four pillars promoted in the administration’s holistic, government-wide National Strategy approach to addressing violent extremism is a commitment to confront long-term contributors to domestic terrorism:

Individuals subscribing to violent ideologies such as violent white supremacy, which are grounded in racial, ethnic, and religious hatred and the dehumanizing of portions of the American community, as well as violent anti-government ideologies, are responsible for a substantial portion of today’s domestic

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<sup>45</sup> The White House, *United We Stand Summit*. (2022, September 15). <https://unitedwestand.gov/>.

<sup>46</sup> Warren, L. and Cook, S. (2024, March 11). *SPLC Letter Regarding FY25 Appropriations Priorities*, Southern Poverty Law Center (SPLC). <https://www.splcenter.org/sites/default/files/splc-letter-appropriators-fy25-priorities-03112024.pdf>.

<sup>47</sup> Kayyem, J. (2022, January 17). *A Synagogue Shouldn’t Be a Fortress*. The Atlantic. <https://www.theatlantic.com/ideas/archive/2022/01/colleyville-standoff-synagogues-risk-defenses/621280/>.

<sup>48</sup> Department of Homeland Security. (2024, April 16). *FY 2024 Nonprofit Security Grant Program Fact Sheet*. Federal Emergency Management Agency. <https://www.fema.gov/grants/preparedness/nonprofit-security/fy-24-fact-sheet>.

<sup>49</sup> The White House. (2021, June). *National Strategy for Countering Domestic Terrorism*. <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

terrorism. Tackling the long-term contributors to this challenge demands addressing the sources of that mobilization to violence – with leadership from relevant domestic-facing agencies, coordinated by the White House’s Domestic Policy Council and in close partnership with civil society.

That means tackling racism in America. It means protecting Americans from gun violence and mass murders. It means ensuring that we provide early intervention and appropriate care for those who pose a danger to themselves or others. It means ensuring that Americans receive the type of civics education that promotes tolerance and respect for all and investing in policies and programs that foster civic engagement and inspire a shared commitment to American democracy, all the while acknowledging when racism and bigotry have meant that the country fell short of living up to its founding principles. It means setting a tone from the highest ranks of government that every American deserves the life, liberty, and pursuit of happiness that our Declaration of Independence recognizes as unalienable rights. And it means ensuring that there is simply no governmental tolerance – and instead, denunciation and rejection – of violence as an acceptable mode of seeking political or social change.<sup>50</sup>

## **Policy Recommendations**

### **Speak out against hate, political violence, and extremism and improve interagency coordination**

Words matter, especially from our leaders. It is impossible to overstate the importance of elected officials, business leaders, and community leaders using their public platforms to condemn hate crimes, threats to HBCUs, and vandalism and violence against houses of worship and other minority institutions. Advancing the goal of a multi-racial, inclusive democracy will require strengthened federal agency coordination and cross-community coalitions to respond with a unified voice against hate violence, discrimination, and bias – and to build resilience in the aftermath of incidents of hate-fueled violence.

- Congress should enact legislation to institutionalize President Biden’s United We Stand Summit commitment to establish an interagency initiative on hate crimes, authorize \$10 million to fund its continued implementation, and require periodic reports from the White House that outline the work of the initiative, including: how each agency has addressed hate crime issues, prevention and training initiatives, as well as research and programmatic plans for the next fiscal year.
- Congress and the administration must ensure that the planners and perpetrators of the deadly Jan. 6 insurrection at the Capitol — and those who financed and inspired them to act — are held accountable, with serious consequences.

### **Improve hate crime data collection efforts**

The highest number of hate crimes ever reported to the FBI in 2022 – from the smallest number of law enforcement agencies in the past decade – prompts questions about what more can be done to improve reporting, to educate about the community impact of hate crimes, to prevent them from occurring, and, when they do occur, to enforce hate crime laws.

- Congress should increase funding for Department of Justice community-based programs authorized by the COVID-19 Hate Crimes Act, which includes the Jabara Heyer NO HATE Act, by an additional \$30 million, including increased funds for state hate crime hotlines to promote expanded victim reporting and assistance and support services and restorative justice initiatives for those targeted and impacted by bias-motivated harms.
- After 30 years of incomplete data and consistent FBI HCSA underreporting, Congress and the administration should support H. R. 7648, the Improving Reporting to Prevent Hate Act, which would

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<sup>50</sup> The White House. (2021, June). *National Strategy for Countering Domestic Terrorism*. <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

make hate crime prevention initiatives and credible hate crime reporting by all law enforcement agencies a condition precedent to receiving federal funds.<sup>51</sup>

- The FBI recently designated civil rights and hate crime as one of its highest national threat priorities.<sup>52</sup> Though reporting hate crime data to the FBI is voluntary, the Department of Justice and the FBI should build the capacity of state and local law enforcement agencies to provide data to the FBI, and support efforts to expand the use of National Incident Based Reporting System (NIBRS) among local law enforcement agencies. Special attention should be devoted to large underreporting law enforcement agencies that either have not participated in the HCSA program at all or have incorrectly reported zero hate crimes.

The FBI can and should do more to encourage reporting:

- FBI Field Office and FBI Resident Agent offices should keep track of law enforcement agencies in their jurisdictions that are substantially underreporting hate crimes, communicate directly with them, and take more responsibility for ensuring their credible participation in the Bureau's HCSA program.
  - The success of this outreach should be taken into account as part of each FBI Field Office's evaluation, with recognition for improved reporting and ineffective cooperative communication with police departments on hate crime reporting factored in as part of the Special Agent in Charge's own evaluation and rating.
- Each of the 94 US Attorneys should promote comprehensive hate crime reporting for cities in their jurisdictions. Each office should publicly designate a person or team to lead hate crime prevention and response – and enable community-based organizations to have a point of contact.
  - The Department of Justice and the FBI should expand their commitment to regional hate crime training sessions with a particular focus on jurisdictions that are underreporting hate crimes and where incidents appear to be on the rise. Closing these data gaps will enhance law enforcement's ability to recognize, investigate, and report accurate data on hate crimes, build community trust, and help educate and engage the public in combatting hate crimes.
  - The Department of Justice should fund comprehensive research to understand gaps in hate crime reporting by law enforcement agencies, including why law enforcement agencies do not report, barriers to reporting by hate crime victims, and identification of best practices in hate crime training, data collection for both crimes and hate incidents, and reporting.
  - Under the Clery Act, colleges and universities are required to report their hate crimes to the Department of Education, yet very substantial gaps in reporting currently exist.<sup>53</sup> The administration and congress should ensure that colleges and universities are prioritizing the safety of their students, including comprehensive hate crime reporting to the Department of Education.

### **Enforce hate crime laws and provide more funding for training and community-based prevention initiatives**

Enforcement of properly-crafted federal and state hate crime laws that include sexual orientation and gender identity – and training for judges, prosecutors, and law enforcement officials charged with enforcement – is

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<sup>51</sup> H.R. 7648, (2024, March 13). *Improving Reporting to Prevent Hate Act of 2024*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/hr7648/BILLS-118hr7648ih.pdf>.

<sup>52</sup> Department of Justice. *Combatting Hate Crimes*. <https://www.justice.gov/opa/press-release/file/1428666/download>.

<sup>53</sup> The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 CFR 668.46.

critical, but insufficient. Hate-fueled violence and the harms they cause cannot be solved by law enforcement alone.

It is essential that administration and congressional efforts prioritize the need to combat all forms of hate, to promote mutual respect and understanding, and to ensure that all individuals, regardless of their background, feel protected and valued.<sup>54</sup> At the United We Stand Summit in September 2022, the White House announced a wide array of very welcome government initiatives, along with several public-private partnerships, designed to foster unity and build community trust and resilience in the fight against hate and extremism.<sup>55</sup>

- To fulfill the full promise of the United We Stand Summit, Congress and the administration should ensure adequate funding for these programs and initiatives.
- Congress should authorize and promote alternative sentencing and restorative justice programs.
- To advance a positive public health approach to hate crime prevention, the administration and Congress should fund immediate and long-term support services and develop community-based resilience and early intervention programs for youth that center social-emotional learning and not punishment.
- In 2010, the Department of Education developed a framework of common components found in bullying prevention state laws, policies, and regulations and created a chart of every state's bullying prevention law on its StopBullying.Gov site.<sup>56</sup> The Department of Justice should replicate this work on its hate crime website,<sup>57</sup> with a focus on hate crime laws and best state and local hate crime prevention practices.
- Proposals to include police officers in federal and state hate crime laws should be rejected. Adding police – or any other category based on vocation or employment – confuses the purpose of hate crime laws, which are designed to address crimes directed against people because of their personal characteristics. While bias-motivated crimes are frequently downplayed and underreported, all 50 states already have criminal statutes that specifically address and punish violence against a law enforcement officer – and there is no evidence that prosecutors anywhere in the country are failing to vigorously investigate and prosecute crimes against police.<sup>58</sup>

### **Expand anti-racism education and prevention initiatives**

The law is a blunt instrument to confront hate and extremism – it does not address the disparate root causes of hate, nor does it adequately mitigate future harms to historically targeted and marginalized communities. Simply put, we cannot legislate, regulate, tabulate, or prosecute racism, hatred, or extremism out of existence.<sup>59</sup>

In addition, several states, particularly in the South, are currently passing laws restricting teaching about racism and other painful truths about our national history. Concealing the truth about our history does not protect our youth; it makes them susceptible to misinformation and fails to equip them with the critical thinking skills and education they need to navigate a new age where disinformation and manipulation are spreading on the internet. It is clear that much more needs to be done to teach young people the unvarnished truth about American history – both good and bad – so that we can learn lessons from the past to shape a better future.

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<sup>54</sup> Leadership Conference on Civil and Human Rights, (2024, July 25). *coalition letter from 40 organizations promoting inclusive response to hate crimes*, <https://civilrights.org/wp-content/uploads/2024/07/Leadership-Conference-Letter-to-Congressional-Leadership-on-Countering-Hate.pdf>.

<sup>55</sup> The White House. (2022, September 15). *United We Stand Summit*. <https://unitedwestand.gov/>.

<sup>56</sup> Department of Education, StopBullying.Gov, Laws, Policies & Regulations. <https://www.stopbullying.gov/resources/laws>.

<sup>57</sup> U.S. Department of Justice. *Hate Crimes*. <https://www.justice.gov/hatecrimes>.

<sup>58</sup> Movement Advancement Project. (2021, July 28). *Policy Spotlight: Hate Crime Laws*. <https://www.lgbtmap.org/file/2021-report-hate-crime-laws.pdf>.

<sup>59</sup> Lieberman, M. (2021, 27 October). *Hate Crimes, Explained*. Southern Poverty Law Center. <https://www.splcenter.org/hate-crimes-explained>.

- The Department of Education and the Department of Justice should fund programs aimed at preventing extremism and promoting deradicalization – and move from punishment models to restorative justice initiatives that build community resilience.<sup>60</sup> Especially in these divided and polarized times, every elementary and secondary school should promote an inclusive school climate and activities that celebrate our nation’s diversity.
- The Department of Justice, the Department of Education, the Department of Health and Human Services, and the Centers for Disease Control and Prevention should promote anti-bias education and public health approach programs that center social-emotional learning and help steer individuals away from hate and extremism. We need federal and state government leadership to promote anti-bias, anti-hate, and pro-democracy education programs, such as the SPLC’s Learning for Justice resources,<sup>61</sup> and initiatives to address online hate and radicalization, such as the SPLC/American University Polarization and Extremism Research and Innovation Lab (PERIL) *Parents & Caregivers Guide to Online Youth Radicalization*,<sup>62</sup> in our nation’s schools.
- Congress must continue to support the significant efforts the Department of Education has made to raise awareness of federal anti-discrimination protections, help ensure the protection of students, and vigorously enforce existing civil rights and anti-discrimination laws.<sup>63</sup>
- Congress should enact the Showing Up for Students Act, legislation that would double funding for the essential work of the Department of Education’s Office for Civil Rights.<sup>64</sup>
- Congress and the Department of Education should provide increased funding for programs to develop and promote civics education, the universal lessons of the Holocaust, the history of slavery in the United States, digital and media literacy initiatives, curricula on avoiding harms from AI use and promoting safe use of AI technology, curricula to reduce structural racism, as well as funding for states to implement their own related initiatives.
- Congress and the administration should promote inclusive education and democracy-building school initiatives that celebrate our nation’s diversity – and fiercely oppose efforts to falsely attack educational gag orders on teaching truth and hard history, and other efforts to place restrictions on inclusive education.
- Congress and the Department of Health and Human Services should fund research to better understand the impacts that hate incidents and crimes have on the health and well-being of targeted communities and victims and further investigate whether specific public health approaches can reduce hate incidents for communities.

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<sup>60</sup> (2016, December 16). The grants authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 U.S. Congress. Public Law 114-325, 114<sup>th</sup> Congress. Available at <https://www.congress.gov/114/statute/STATUTE-130/STATUTE-130-Pg1965.pdf> awarded by the Department of Justice Bureau of Justice Assistance under the Emmett Till Cold Case Investigations and Prosecution Program are an excellent example of this work. <https://bja.ojp.gov/funding/opportunities/o-bja-2024-172013>.

<sup>61</sup> Learning for Justice. <https://www.learningforjustice.org/>.

<sup>62</sup> Southern Poverty Law Center and American University Polarization and Extremism Research and Innovation Lab (PERIL). *Parents & Caregivers Guide to Online Youth Radicalization*. <https://www.splcenter.org/peril>.

<sup>63</sup> Office for Civil Rights. *Education and Title VI*. United States Department of Education. <https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>.

<sup>64</sup> S. 3883 (2024, March 6), *Showing Up for Students Act*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/s3883/BILLS-118s3883is.pdf>. H.R. 8271 (2024, May 7), *Showing Up for Students Act*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/hr8271/BILLS-118hr8271ih.pdf>

H.R. 7648, (2024, March 13). *Improving Reporting to Prevent Hate Act of 2024*. 118<sup>th</sup> Congress. Available at <https://www.congress.gov/118/bills/hr7648/BILLS-118hr7648ih.pdf>.



## **Improve government response to political violence and domestic extremism**

There must be more transparency and reporting on efforts that federal, state, and local law enforcement officials are making to address white supremacy and political and hate-fueled violence.

- The 119<sup>th</sup> Congress should hold oversight hearings on federal agency responses to this threat, closely track and assess the nature and magnitude of the problem of domestic extremism and provide funding for government and academic research on the best evidence-based responses to political violence and extremism.
- Congress should enact S. 1591, the Domestic Terrorism Prevention Act, legislation which would establish offices within the Department of Homeland Security (DHS), the Department of Justice, and the FBI to monitor, investigate, and prosecute cases of domestic terrorism – and require these offices to regularly report to Congress.<sup>65</sup> The legislation would also provide resources to strengthen partnerships with state and local law enforcement and community-based groups to confront far-right extremism. This legislation has attracted very considerable support from the civil rights community.<sup>66</sup>
- Congress should address white supremacy in federal law enforcement by enacting legislation to require the Department of Homeland Security, the Department of Justice, and the FBI — and all other federal agencies with law enforcement responsibility — to promptly “avoid the hiring and retention of law enforcement officers who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability” as mandated in President Biden’s May 2022 police reform executive order.<sup>67</sup>
- Congress and the administration should provide equitable access to government funds for security infrastructure to houses of worship and community institutions targeted with violence, including HBCUs and LGBTQ centers.
- Congress and the administration should address white supremacy and extremism in the military and state guards at every stage: recruitment; expanding and clarifying prohibitions against advocating for, or involvement in, white supremacist or extremist activity for active-duty personnel; and more extensive efforts to help veterans transition into civilian life, including counseling, mental health, and social welfare services.<sup>68</sup>

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<sup>65</sup> S. 1591. Domestic Terrorism Prevention Act. <https://www.congress.gov/118/bills/s1591/BILLS-118s1591is.pdf>.

<sup>66</sup> The Leadership Conference on Civil and Human Rights. (2022, May 18). *Letter supporting H.R. 350*. [https://civilrightsdocs.info/pdf/policy/letters/2022/05182022\\_Leadership\\_Conference\\_Sign\\_On\\_Letter\\_Supporting\\_HR\\_350.pdf](https://civilrightsdocs.info/pdf/policy/letters/2022/05182022_Leadership_Conference_Sign_On_Letter_Supporting_HR_350.pdf).

<sup>67</sup> The White House. (2022, May 22). *Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/>.

<sup>68</sup> The Department of Defense has issued guidance on the prohibition against active involvement in or promotion of extremist activities. Department of Defense Instruction 1325.06. (2021, December 20) *Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces*. <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.PDF?ver=IVFsHaG0F1cxC3WPD1EO9w%3D%3D>. And recently the Army Directive 2024-07 (2024, June 14) *Handling Protest, Extremist, and Criminal Gang Activities*. [https://ig.army.mil/Portals/101/Documents/regs%20etc/AD%202024-07%20\(Handling%20Protest%20Extremist%20and%20Criminal%20Gang%20Activities\).pdf?ver=GOAlfSIsimnX5IBT1AdEeg%3d%3d](https://ig.army.mil/Portals/101/Documents/regs%20etc/AD%202024-07%20(Handling%20Protest%20Extremist%20and%20Criminal%20Gang%20Activities).pdf?ver=GOAlfSIsimnX5IBT1AdEeg%3d%3d) Army Directive 2024-08 (2024, June 14) *Reporting Prohibited Activities (RPA)* [https://ig.army.mil/Portals/101/Documents/regs%20etc/AD%202024-08%20\(Reporting%20Prohibited%20Activities\).pdf?ver=jsJAqStnTxgFPMJPeHIdBg%3d%3d](https://ig.army.mil/Portals/101/Documents/regs%20etc/AD%202024-08%20(Reporting%20Prohibited%20Activities).pdf?ver=jsJAqStnTxgFPMJPeHIdBg%3d%3d) and the Marines *MARADMINS Number: 385/24* (2024, August 23). *Guidance on Reporting Extremist and Criminal Gang Activities*. <https://www.marines.mil/News/Messages/Messages-Display/Article/3879286/guidance-on-reporting-extremist-and-criminal-gang-activities/> have issued their own clarifying guidance documents.

- Congress and the administration should do more to curb gun violence and provide care for impacted communities and individuals.<sup>69</sup>
- Every state prohibits private militias, and many states have laws prohibiting political violence, restricting firearms in the state capital/government buildings and near polling places, and banning paramilitary training in furtherance of, or in preparation for, a civil disorder.<sup>70</sup> Federal and state authorities should take action to raise awareness about these laws – and enforce them.

### **Promote online safety and hold tech and social media companies accountable**

It is frighteningly simple for racists and extremists to disseminate propaganda, recruit followers, generate profits, and spread intimidation on major social media platforms. Social media companies should not enable the funding or amplifying of white supremacist ideas or provide a safe haven for extremists.

- Consistent with the First Amendment and privacy considerations, federal and state government officials should implement rules and regulations to ensure that tech companies comply with civil rights laws prohibiting discrimination. Law enforcement should scrutinize platforms and ensure they are enforcing prohibitions on activities that endanger the public or conspire against the rights of others.

### **Conclusion**

We must acknowledge that hate crimes and the harm they cause to victims and their communities cannot be solved by law enforcement alone. We must do more to support victims, survivors, and their communities. Congress and the administration must support programs and initiatives designed to prevent hate, bias-motivated criminal activity, and extremism.

Thank you for holding this important hearing. We deeply appreciate this Committee’s continued leadership in addressing hate, violence, and extremism. We look forward to working with you as you continue to focus on these domestic threats. If you have questions about this statement or need additional information, please contact Michael Lieberman, SPLC Senior Policy Counsel, Hate and Extremism, at [Michael.Lieberman@splcenter.org](mailto:Michael.Lieberman@splcenter.org).

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<sup>69</sup> Southern Poverty Law Center, American University Polarization and Extremism Research and Innovation Law., (2023, July). *U.S. Youth Attitudes on Guns*. Everytown for Gun Safety. <https://www.splcenter.org/peril-youth-attitudes-guns-report>.

<sup>70</sup> Georgetown University Law Center. *Addressing political violence, unlawful paramilitaries, and threats to democracy*. Institute for Constitutional Advocacy and Protection. <https://www.law.georgetown.edu/icap/our-work/addressing-political-violence-unlawful-paramilitaries-and-threats-to-democracy>.

# Appendix One

## Law enforcement agencies serving populations of over 100,00 that did not report any hate crime data to the FBI for 2022

### Jurisdictions with 250,000+ Population

County	State
Hillsborough	Florida
Escambia	Florida
Manatee	Florida
Osceola	Florida
Palm Beach	Florida
Pasco County	Florida
New Orleans	Louisiana

### Jurisdictions between 100,000 to 250,000 Population

County	State
Tucson	Arizona
Montgomery	Alabama
Palm Bay	Florida
Fort Lauderdale	Florida
Hollywood	Florida
Pompano Beach	Florida
Pembroke Pines	Florida
Miramar	Florida
Hialeah	Florida
Miami Gardens	Florida
West Palm Beach	Florida
Lakeland	Florida
Aurora	Illinois
Kansas City	Kansas
Jackson	Mississippi
Paterson	New Jersey
Ramapo Town	New York

**Law enforcement agencies serving populations of over 100,000 that affirmatively reported zero (0) hate crimes to the FBI for 2022**

<b>City</b>	<b>State</b>	<b>Population</b>
Henderson	Nevada	325,332
Newark	New Jersey	304,311
Chandler	Arizona	281,373
Gilbert	Arizona	277,123
Scottsdale	Arizona	243,576
Savannah	Georgia	239,089
Cape Coral	Florida	213,074
Columbus	Georgia	204,986
Little Rock	Arkansas	201,513
Grand Prairie	Texas	199,663
Peoria	Arizona	197,894
Grand Rapids	Michigan	196,662
Ontario	California	180,004
Cary	North Carolina	178,600
Rancho Cucamonga	California	175,714
Clarksville	Tennessee	174,738
Springfield	Missouri	169,822
Arizona State University, Main Campus	Arizona	161,117
Naperville	Illinois	148,929
Mesquite	Texas	147,226
Rockford	Illinois	146,710
Syracuse	New York	145,179
Waco	Texas	140,911
Gainesville	Florida	140,869
Hampton	Virginia	138,843
Columbia	South Carolina	137,768
Cedar Rapids	Iowa	135,362
Coral Springs	Florida	131,628
Columbia	Missouri	127,862
Allentown	Pennsylvania	125,917
Abilene	Texas	125,186
Concord	California	122,982
Hartford	Connecticut	120,196
North Charleston	South Carolina	119,198
Broken Arrow	Oklahoma	118,683
Richardson	Texas	115,771
Murrieta	California	114,655

Provo	Utah	114,120
Waterbury	Connecticut	113,464
Elgin	Illinois	113,205
Springfield	Illinois	112,549
Temecula	California	111,611
Dallas County Community College District	Texas	110,694
Miami Gardens	Florida	110,649
Peoria	Illinois	110,551
Sparks	Nevada	110,475
South Fulton	Georgia	110,102
Brockton	Massachusetts	110,084
Menifee	California	109,673
Jurupa Valley	California	108,601
Green Bay	Michigan	106,916
Edinburg	Texas	104,987
St. George	Utah	104,158
Wichita Falls	Texas	103,337
Fishers	Indiana	102,921
Inglewood	California	102,879
Hesperia	California	101,748
Tuscaloosa	Alabama	101,280
Davenport	Iowa	100,437