



Written Statement by the Southern Poverty Law Center

Submitted to the Senate Judiciary Committee

in connection with its hearing entitled

*Never To Be Silent: Stemming the Tide of Antisemitism in  
America*

March 5, 2025

Statement Submitted March 11, 2025

On behalf of the Southern Poverty Law Center (SPLC), a non-profit organization working in partnership with Black, Brown, and other marginalized communities across the Deep South to dismantle white supremacy, strengthen intersectional movements through impactful policies and initiatives, we write to provide our insights in connection with the March 5, 2025, hearing, *Never To Be Silent: Stemming the Tide of Antisemitism in America*. The rise of hate and extremism, including antisemitism, and the need to address it are of great importance to the Southern Poverty Law Center, and we appreciate the opportunity to share our deep expertise on the nature of antisemitism and, more broadly, how hate and extremism in the United States do not operate in isolation. We urge you to take an inclusive and intersectional approach to preventing and responding to hate and extremism in America, including antisemitism.

In a June 24, 2024, letter, the Leadership Conference on Civil and Human Rights and a broad coalition of civil and human rights groups, wrote:

“Our country finds strength in diversity and unity — and everyone deserves to live in a safe, welcoming, and inclusive community. Yet, we’ve struggled for decades to counter the rise of white nationalism and supremacy fully. In recent years, world events, growing political polarization, disinformation, and heightened racial, ethnic, and religious tensions have contributed to the highest number of reported hate crimes on record. These acts of hate touch every community and threaten to undermine the most basic tenets of our democracy. This troubling increase in the prevalence of hate, manifesting in more frequent and more severe acts of violent hate crime, requires an escalated, more inclusive approach. 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.<sup>1</sup>”

The approach outlined in the coalition’s letter is especially important given the significant increase in anti-Arab, anti-Jewish, and anti-Muslim hate, and anti-Black hate violence over the last few years. The FBI’s 2023 Hate Crime Statistics Act report documented a record high of 11,634 hate crimes.<sup>2</sup> Race-based crimes were most common, as they have been each year since the Bureau began collecting this data in 1991. Crimes directed against Black Americans have consistently made up the largest share of total hate crimes. Reported hate crimes based on religion (2,699), sexual orientation (2,077), and gender identity (492) reached their highest level ever, as were crimes directed against Hispanics (812) and Arabs (123).<sup>3</sup> In addition, a recent FBI Special Report on hate crime at schools from 2018-2022 documented an increase in hate violence in K-12 schools and colleges and universities.<sup>4</sup>

Since 1971, the SPLC has been tireless in identifying and rooting out hate and extremism in the United States, including antisemitism, as part of an effort to build an inclusive multiracial democracy. Each year, we track hundreds of extremist groups operating nationwide, publish investigative reports, share key intelligence, and offer expert analysis to the media and public. As a result, we have developed 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 – and in analyzing these movements we have come to understand both how they operate and how they impact our society. Vilifying or demonizing groups of people on the basis of their immutable characteristics, such as race or ethnicity, causes real harm and often inspires or is

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<sup>1</sup> Leadership Conference on Civil and Human Rights, *Letter from Civil Rights Organizations on Countering All Forms of Hate*, <https://civilrights.org/resource/letter-from-civil-rights-organizations-on-countering-all-forms-of-hate/> (June 24, 2024).

<sup>2</sup> U.S. Department of Justice, Federal Bureau of Investigation, (2023), *Hate Crime Statistics*, Federal Bureau of Investigation, Crime Data Explorer, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

<sup>3</sup> Ibid.

<sup>4</sup> U.S. Department of Justice, Federal Bureau of Investigation, *Reported Hate Crimes at Schools: 2018-2022*, <https://www.justice.gov/hatecrimes/reported-hate-crimes-schools/dl?inline=>

a precursor to violence.<sup>5</sup> Democracy is fragile. We use the data and research we gather on hate and extremism to inform our response strategies and policy priorities.

Our research and analysis of these movements and organizations, coupled with the FBI's most recent data on hate crimes in America, has led us to conclude that antisemitism cannot be addressed in isolation. The same forces driving antisemitism are also fueling anti-Black, anti-Arab, anti-Muslim, and anti-immigrant hate. That's because at the root of all these forms of hate is a shared ideology—white supremacy and nationalism

In our view, we cannot effectively dismantle white supremacy without a coordinated and holistic approach that includes action and education on all forms of hate and extremism.<sup>6</sup> Our statement outlines several concerns with the current approach and offers recommendations for how Congress should address the issue:

- 1) White supremacy and nationalism are the underlying causes of antisemitism, along with all other forms of bias-motivated hate and extremism;
- 2) Antisemitism is being used as a wedge issue to divide the Jewish community from other marginalized groups; and,
- 3) Congress must reject the Antisemitism Awareness Act and the Confronting Antisemitism Act (discussed below) and, instead, embrace policy proposals that improve our response to the full range of bias-motivated discrimination and violence.

At this critical juncture, Members of Congress must understand the insidious nature of white supremacy and how it works to divide and conquer at the expense of marginalized groups. To effectively prevent hate and extremism in the United States, congressional efforts must prioritize combating all forms of hate, promoting mutual respect and understanding, and ensuring that all individuals, regardless of their background, feel protected and valued. Indeed, this approach is essential to progressing in our interconnected struggle for equality and justice. We respectfully ask that this statement be included as part of the official hearing record.

### **1) White supremacy and nationalism are animating ideologies of antisemitism, as well as all other forms of bias-motivated hate and extremism.**

Antisemitism is a set of dehumanizing and hostile beliefs and behaviors that target Jews, both as individuals and as a group, because of their Jewish identity. It takes on many forms, including overt acts of violence, discrimination, harassment, and vandalism, as well as more subtle codes, tropes, and assumptions.<sup>7</sup> A central feature of antisemitism is its conspiratorial nature, where historical antisemitic conspiracies and myths offer a blueprint for future generations to draw on when blaming Jews for various world events.<sup>8</sup> Antisemitism operates as an energizing force behind white supremacy, and both directly and indirectly affects millions of Jews and

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<sup>5</sup> Southern Poverty Law Center, *Frequently asked questions about hate and antigovernment groups*, <https://www.splcenter.org/resources/reports/frequently-asked-questions-about-hate-and-antigovernment-groups/> (June 4, 2024).

<sup>6</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>7</sup> Southern Poverty Law Center, *Antisemitism Discussion Resource*, <https://www.splcenter.org/wp-content/uploads/files/antisemitism-discussion-resource.pdf> (accessed March 12, 2025).

<sup>8</sup> Ibid.

non-Jews in the United States and around the world.<sup>9</sup> White nationalists tap into antisemitism to mobilize and build political power.<sup>10</sup> This normalization of antisemitism has boosted the profile of many extremist groups and has resulted in direct threats to the Jewish community and many other marginalized people.<sup>11</sup>

Antisemitism is on the rise<sup>12</sup> as White nationalists seek to return to an America that predates the implementation of the Civil Rights Act of 1964<sup>13</sup> and the Immigration and Nationality Act of 1965.<sup>14</sup> Contemporary antisemitic tropes and stereotypes have existed for millennia but have now been weaponized to address current controversies.<sup>15</sup> Central to these efforts is the “great replacement” theory – the false belief that there is a calculated effort to replace white populations of European descent with non-white foreign populations, resulting in reduced white cultural and political power and, ultimately white genocide.<sup>16</sup> This conspiracy theory is inherently white supremacist, stoking xenophobic fears about immigration and characterizing non-white populations as inferior. Adherents of this violent conspiracy theory have committed murderous acts of violence targeting Jews at the Tree of Life synagogue in 2018, predominantly Latinx shoppers at an El Paso Walmart in 2019, and the Black community in Buffalo, New York, in 2022.<sup>17</sup>

## 2) Antisemitism is being used as a wedge issue to divide the Jewish community from other marginalized groups.

### a) Weaponizing Antisemitism Against Black and Brown People and Other Marginalized Groups

Unfortunately, we have seen unfounded accusations of antisemitism made in the service of a reactionary political agenda. Too frequently, we have seen lawful criticism of Israel conflated with antisemitism. Right-wing organizations like the Heritage Foundation have encouraged the government to take legal action against protesters critical of Israel.<sup>18</sup> The foundation’s plan, called “Project Esther,” complements its vision for a conservative, Christian America, similar in rhetoric and intent to its broader *Project 2025*.<sup>19</sup> These bad-faith

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<sup>9</sup> Ward, Eric, Political Research Associates, *Skin in the Game: How Antisemitism Animates White Nationalism*, <https://politicalresearch.org/2017/06/29/skin-in-the-game-how-antisemitism-animates-white-nationalism> (June 29, 2017).

<sup>10</sup> PBS News, *Exploring hate: How antisemitism fuels white nationalism*, <https://www.pbs.org/newshour/show/exploring-hate-how-antisemitism-fuels-white-nationalism> (October 24, 2021).

<sup>11</sup> Milwicki, A. and Fugardi, R., *American Antisemitism Animates the Hard Right*, <https://www.splcenter.org/resources/reports/trends-and-threats/> (June 6, 2023).

<sup>12</sup> Milwicki, A., International Holocaust Remembrance Day: The Dangers of Historical Revisionism, Southern Poverty Law Center, January 25, 2024, <https://www.splcenter.org/resources/hate-watch/international-holocaust-remembrance-day-dangers-historical-revision/>. These incidents have included vandalism of Jewish institutions and places of worship, flyering from known hate groups, and assaults on Jewish people and Jewish-owned business.

<sup>13</sup> Public Law 88-352, <https://www.govinfo.gov/content/pkg/COMPS-342/pdf/COMPS-342.pdf> (January 7, 1964).

<sup>14</sup> Public Law 89-236, <https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg911.pdf> (October 3, 1965).

<sup>15</sup> Southern Poverty Law Center, *Antisemitism Resource Guide*, <https://www.splcenter.org/wp-content/uploads/files/antisemitism-discussion-resource.pdf>.

<sup>16</sup> Flanagan, Aaron, Southern Poverty Law Center, *The Racist ‘Great Replacement’ Conspiracy Theory Explained*, <https://www.splcenter.org/resources/hate-watch/racist-great-replacement-conspiracy-theory-explained/> (May 17, 2022) and Southern Poverty Law Center, *Antisemitism Resource Guide*, <https://www.splcenter.org/wp-content/uploads/files/antisemitism-discussion-resource.pdf>.

<sup>17</sup> Rose, Steve, The Guardian, *A deadly ideology: how the ‘great replacement theory’ went mainstream*, <https://www.theguardian.com/world/2022/jun/08/a-deadly-ideology-how-the-great-replacement-theory-went-mainstream> (June 8, 2022).

<sup>18</sup> Prem Thakker, Zeteo, *‘Project Esther’: The Right-Wing Group Behind Project 2025 Has a Plan to Crack Down on America’s Pro-Palestine Movement*, <https://zeteo.com/p/project-esther-the-right-wing-group-trump-palestine> (October 29, 2024).

<sup>19</sup> Heritage Foundation, *Project Esther: A National Strategy to Combat Antisemitism*, <https://www.heritage.org/progressivism/report/project-esther-national-strategy-combat-antisemitism> (October 7, 2024).

accusations of antisemitism are intended to silence and punish people of color, particularly Black and Arab people.<sup>20</sup>

Moreover, there has been a **deliberate, concerted effort to delegitimize and misrepresent DEIA programs** – especially in higher education – and to falsely blame these programs for inciting antisemitism.<sup>21</sup> In some cases, this is an attempt to virtue signal to the Jewish community. In other cases, it is a blatant attempt to drive a wedge between communities that should be DEIA allies.<sup>22</sup> Attempts to dismantle DEIA programs are, in fact, a threat to all people, and, most directly, a threat to those with marginalized identities, including Jews.<sup>23</sup> For example, in an attempt to comply with recent Trump Administration executive orders targeting federal DEIA programs, the Defense Intelligence Agency paused activities related to Holocaust Remembrance Day, Martin Luther King Jr. Day, Juneteenth, Black History Month, and LGBTQ+ Pride Month.<sup>24</sup>

#### **b) Weaponizing Antisemitism and Civil Rights Enforcement Against Peaceful Protests**

During his first term, President Trump issued *Executive Order 13899, Combatting Antisemitism*, directing all federal agencies to enforce Title VI protections for “discrimination rooted in anti-Semitism” as vigorously as other forms of discrimination.<sup>25</sup> With that Executive Order, President Trump mandated the use of a controversial definition of antisemitism for the first time, the non-legally binding International Holocaust Remembrance Alliance (IHRA) definition, including its “contemporary examples.”<sup>26</sup> The IHRA definition and its examples were designed to be an educational tool – not a trigger for anti-discrimination charges.

The new Trump *Executive Order 14188, Additional Measures To Combat Anti-Semitism*, issued on January 29, reaffirms his 2019 Order and requires federal agencies to examine and report on their existing criminal and civil authority to combat antisemitism.<sup>27</sup> Federal agencies are also required to inventory administrative complaints and court cases against colleges and universities arising from campus protests related to the post-October 7 Israel-Gaza conflict, which allege civil rights violations involving antisemitism. The EO also calls on the Secretaries of State, Education, and Homeland Security to “monitor for and report activities” of non-citizen

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<sup>20</sup> Lorber, Ben, *Heritage Foundation's Christian Nationalist 'Project Esther' Won't Combat Antisemitism — But it Will Weaponize Jews*, Religion Dispatches, <https://religiondispatches.org/heritage-foundations-christian-nationalist-project-esther-wont-combat-antisemitism-but-it-will-weaponize-jews/> (October 22, 2024).

<sup>21</sup> Katherine Knott, *House Republicans Blame DEI Programs for Rise in Campus Antisemitism*, Inside Higher Ed, November 15, 2023, <https://www.insidehighered.com/news/government/2023/11/15/house-republicans-blame-dei-programs-campus-antisemitism>; Rabbi Jonah Dov Pesner, *Antisemitism is on the rise – blaming DEI only perpetuates it*, Jewish Herald-Voice, July 18, 2024, <https://jhvonline.com/antisemitism-is-on-the-rise-blaming-dei-only-perpetuates-it-p33705-159.htm>.

<sup>22</sup> Narva, Yolanda Savage and Pesner, Rabbi Jonah Dov, *Antisemitism in on the Rise, Blaming DEI (Diversity, Equity, and Inclusion) Only Perpetuates It*, <https://forward.com/sponsored/621523/antisemitism-is-on-the-rise-blaming-dei-diversity-equity-and-inclusion-only-perpetuates-it/>, (June 26, 2024).

<sup>23</sup> Narva, Yolanda Savage and Pesner, Rabbi Jonah Dov, *Antisemitism in on the Rise, Blaming DEI (Diversity, Equity, and Inclusion) Only Perpetuates It*, <https://forward.com/sponsored/621523/antisemitism-is-on-the-rise-blaming-dei-diversity-equity-and-inclusion-only-perpetuates-it/>, (June 26, 2024).

<sup>24</sup> Watson, Eleanor and Watson, Kathryn, CBS News, *Pentagon's intelligence arm pausing MLK, Holocaust Remembrance and other observations*, <https://www.cbsnews.com/news/pentagon-intelligence-arm-dia-pausing-dei-mlk-holocaust-remembrance-and-other-observations/>, (January 31, 2025).

<sup>25</sup> The White House, *Executive Order 13899 Combating Anti-Semitism*, <https://www.govinfo.gov/content/pkg/DCPD-201900859/pdf/DCPD-201900859.pdf> (December 11, 2019).

<sup>26</sup> International Holocaust Remembrance Alliance, *Working Definition of Antisemitism*, <https://holocaustremembrance.com/resources/working-definition-antisemitism>

<sup>27</sup> The White House, *Executive Order 14188 Additional Measures To Combat Anti-Semitism*, <https://www.govinfo.gov/content/pkg/FR-2025-02-03/pdf/2025-02230.pdf> (January 29, 2025). This Executive Order also criticizes the Biden administration response to antisemitism, ignoring very extensive work to address the issue, including *The U.S. National Strategy to Counter Antisemitism*, <https://nexusproject.us/wp-content/uploads/2024/07/U.S.-National-Strategy-to-Counter-Antisemitism-1.pdf> (May, 2023) and unprecedented hate crime prevention funding, United States Department of Justice, *Fact Sheet: Combatting Hate Crimes*, <https://www.justice.gov/archives/opa/press-release/file/1557076/dl>

students and faculty, threatening deportation as a possible consequence. This flies in the face of constitutional rights of both free speech and freedom of assembly.

While this is a time of increased focus on antisemitism, escalating concerns about antisemitism should not be a proxy used to inhibit peaceful protests and other protected speech on campus or lower the bar for the deportation of foreign students. Executive Order 14188's accompanying fact sheet contains an indication that a primary intent is to do just that – to weaponize antisemitism and to threaten other marginalized groups who might protest against Israel's government policies.<sup>28</sup> The order states, "To all the resident aliens who joined in the pro-jihadist protests, we put you on notice: come 2025, we will find you, and we will deport you. I will also quickly cancel the student visas of all Hamas sympathizers on college campuses."

We have already seen how the Executive Order can be abused. On March 8, Mahmoud Khalil, a Syrian-born Palestinian activist who figured prominently in the Gaza Solidarity Encampment at Columbia University last spring, was arrested and detained. Khalil is a lawful permanent resident in the United States and is married to a U. S. citizen. No evidence has emerged that Khalil committed any criminal act that might subject him to deportation. Instead, his arrest and detention – reportedly in support of this executive order – demonstrates that the administration can and will attempt to use this executive authority to restrict protest speech they do not like and arrest, jail, and threaten to deport foreign students.<sup>29</sup> A federal district court has halted further action in the case and ordered a hearing.<sup>30</sup>

Efforts like this Executive Order, which seeks to 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 antisemitism and the root causes of hate and bias acts.

### **3) Congress Must Reject Legislative Proposals Like the Antisemitism Awareness Act and the Countering Antisemitism Act and Enact Comprehensive Legislation to Address Hate and Extremism**

At a time of escalating concerns about antisemitism, Congress is considering several harmful and unnecessary pieces of legislation which would increase division and polarization – but do nothing to meaningfully counter antisemitism. Instead, the administration and Congress must act to prioritize improved police hate crime training and reporting, community-based hate crime prevention programs, and initiatives designed to combat all forms of hate, including anti-bias education, digital and information literacy, and programs that promote mutual respect and understanding.

#### **a) Congress Must Reject the Antisemitism Awareness Act**

We oppose the Antisemitism Awareness Act, legislation passed by the House in the 118<sup>th</sup> Congress.<sup>31</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

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<sup>28</sup> The White House, *Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism*, <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-forceful-and-unprecedented-steps-to-combat-anti-semitism/> (January 30, 2025).

<sup>29</sup> Venkat, Surina, *Columbia Spectator*, *Department of Homeland Security confirms arrest of Palestinian activist Mahmoud Khalil*, *SIPA* '24, <https://www.columbiaspectator.com/news/2025/03/10/departments-of-homeland-security-confirms-arrest-of-palestinian-activist-mahmoud-khalil-sipa-24/>, March 10, 2025.

<sup>30</sup> *M.K. v. William P. Joyce et al.*, 25-CV-1935 (JMF), Notice of Conference, United States District Court for the Southern District of New York, <https://www.documentcloud.org/documents/25556742-khalilord031025/> (March 10, 2025).

<sup>31</sup> H.R. 6090, *Antisemitism Awareness Act*. 118<sup>th</sup> Congress. (2023, March 13). Available at <https://www.congress.gov/bills/118thcongress/house-bill/6090/text>.

speech and, therefore, could blur the distinction between antisemitism and lawful criticism of the policies or government of the state of Israel.<sup>32</sup>

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.<sup>33</sup>

Equally important, this legislation is unnecessary. 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 students who experience discrimination or harassment based on their actual or perceived shared ancestry or ethnic characteristics – including Jews, Muslims, Sikhs, and others.<sup>34</sup>

### **b) Congress Must Reject the Countering Antisemitism Act**

In addition, we have significant concerns about the narrow approach of the proposed Countering Antisemitism Act (CAA), legislation introduced in the 118<sup>th</sup> Congress that would create a National Coordinator to Counter Antisemitism to lead an interagency task force.<sup>35</sup> No one form of hate should be privileged over others.<sup>36</sup> 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.

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<sup>32</sup> International Holocaust Remembrance Alliance, *Working Definition of Antisemitism*, <https://holocaustremembrance.com/resources/working-definition-antisemitism>. 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, ABA House of Delegates, *Midyear Meeting 2023 - House of Delegates Resolution* [Video], [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/) (February 6, 2023).

<sup>33</sup> Southern Poverty Law Center, Letter to the House of Representatives Opposing H.R. 6090, the Antisemitism Awareness Act, <https://www.splcactionfund.org/wp-content/uploads/sites/2/files/antisemitism-awareness-act-letter.pdf> (May 1, 2024).

<sup>34</sup> U.S. Department of Justice, Letter from Assistant Attorney General for Civil Rights Thomas E. Perez to Russlynn H. Ali, Assistant Secretary for Civil Rights, Department of Education, [https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed\\_OCR\\_Title%20VI\\_and\\_Religiously\\_Identifiable\\_Groups.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf) (September 8, 2010). U.S. Department of Education, Office of Civil Rights Dear Colleague, [https://cca-ct.org/OCR%20Guidance%20on%20Bullying\\_10262010.pdf](https://cca-ct.org/OCR%20Guidance%20on%20Bullying_10262010.pdf) (October 26, 2010). During the Biden administration, as concerns about antisemitism and Islamophobia grew – especially after the October 7, 2023 Hamas horrific surprise attack on southern Israel and Israel’s devastating and destructive military response in Gaza – the Department engaged in vigorous educational outreach and enforcement of its authority. See U.S. Department of Education, Office for Civil Rights, Letter to University of Vermont President Suresh V. Garimella regarding Complaint No. 01-22-2002 <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/01222002-a.pdf> (April 3, 2023) and Resolution Agreement [https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/investigations/more/01222002-b.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/investigations/more/01222002-b.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)

<sup>35</sup> S. 4091 *Countering Antisemitism Act*. 118<sup>th</sup> Congress <https://www.congress.gov/118/bills/s4091/BILLS-118s4091is.pdf> (April 9, 2024), H.R. 7921 *Countering Antisemitism Act*. 118<sup>th</sup> Congress <https://www.congress.gov/118/bills/hr7921/BILLS-118hr7921ih.pdf> <https://www.congress.gov/118/bills/hr7921/BILLS-118hr7921ih.pdf> (April 10, 2024).

<sup>36</sup> SPLC supported the Biden White House *National Strategy to Counter Antisemitism* and SPLC programs were included among the many whole-of-society initiatives announced in the comprehensive plan. The White House, *The U.S. National Strategy to Counter Antisemitism*, <https://nexusproject.us/wp-content/uploads/2024/07/U.S.-National-Strategy-to-Counter-Antisemitism-1.pdf> (May, 2023). *Fact Sheet: Biden Harris Administration Releases First-Ever U.S. National Strategy to Counter Antisemitism*, <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/05/25/fact-sheet-biden-harris-administration-releases-first-ever-u-s-national-strategy-to-counter-antisemitism> (May 25, 2023).

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.

### **c) Congress should take an Inclusive Approach in its Response to Hate Violence**

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>37</sup> 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>38</sup> We must do more to educate against hate, to intervene, disrupt, and create off-ramps to inoculate against white supremacist radicalization.<sup>39</sup> Implementing early, age-appropriate education, far upstream and before exposure to radicalizing extremist content, has also proven to be an important component of challenging and mitigating extremist harm.<sup>40</sup>

Effective measures against antisemitism must be inclusive, focusing on dismantling white supremacy, and include public education and strategic interventions that are designed to address not just antisemitism but all forms of hate and bias.

## **Policy Recommendations**

### **Strengthen Coordination to Combat Antisemitism, Hate, and Political Violence**

Words and actions 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. Building a multiracial democracy requires stronger coordination among federal agencies and cross-community coalitions to respond with a unified voice against hate-fueled violence, discrimination, and bias — and to support communities in the aftermath of such incidents.

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

The highest number of hate crimes ever reported to the FBI in 2023 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, including increased

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<sup>37</sup> National Park Service, (1963). *16<sup>th</sup> Street Baptist Church Bombing*. <https://www.nps.gov/articles/16thstreetbaptist.htm>.

<sup>38</sup> Department of Homeland Security, National Terrorism Advisory System Bulletin, *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> (February 7, 2022) 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>39</sup> Southern Poverty Law Center, Kieffer, C. *Buffalo Massacre: A Year Later, White Supremacist Propaganda Continues to Spur Violence*, <https://www.splcenter.org/news/2023/05/11/buffalo-massacre-year-later> (May 12, 2023).

<sup>40</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>.

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 reporting, Congress and the administration should support legislation to make hate crime prevention initiatives and credible hate crime reporting by all law enforcement agencies a condition precedent to receiving federal funds.<sup>41</sup> We strongly support the Improving Reporting to Prevent Hate Act, bipartisan legislation introduced in the 118<sup>th</sup> Congress, 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>42</sup>
- The Trump administration should maintain the FBI's designation of civil rights and hate crime as one of its highest national threat priorities.<sup>43</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.
- Under the Cleary 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>44</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 critical, but insufficient. Hate-fueled violence and the harms they cause cannot be solved by law enforcement alone.

- In 2010, the U.S. 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>45</sup> The Department of Justice should replicate this work on its hate crime website,<sup>46</sup> with a focus on hate crime laws and best state and local hate crime prevention practices, including community-based resilience and early intervention programs for youth.<sup>47</sup>
- 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. Bias-motivated crimes are frequently downplayed and underreported, but all 50 states

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<sup>41</sup> H.R. 7648, *Improving Reporting to Prevent Hate Act of 2024*. 118<sup>th</sup> Congress, <https://www.congress.gov/118/bills/hr7648/BILLS-118hr7648ih.pdf> (March 13, 2024)

<sup>42</sup> H.R. 7648, *Improving Reporting to Prevent Hate Act of 2024*, 118<sup>th</sup> Congress <https://www.congress.gov/118/bills/hr7648/BILLS-118hr7648ih.pdf>.

<sup>43</sup> Department of Justice. *Combatting Hate Crimes*. <https://www.justice.gov/opa/press-release/file/1428666/download>.

<sup>44</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 <https://www.ecfr.gov/current/title-34>

<sup>45</sup> Department of Education, StopBullying.Gov, Laws, Policies & Regulations. <https://www.stopbullying.gov/resources/laws>.

<sup>46</sup> U.S. Department of Justice. *Hate Crimes*. <https://www.justice.gov/hatecrimes>.

<sup>47</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>.

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>48</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>49</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.

- Congress should closely track the implementation of Executive Order 14188 Additional Measures to Combat Antisemitism for its impact on campus free speech, on threatened punitive funding cuts at universities, and on the imposition of lower standards for deportation or visa cancellation of protesting foreign students.
- 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.

### **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 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 avoid hiring or retaining 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.
- 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

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<sup>48</sup> Movement Advancement Project, *Policy Spotlight: Hate Crime Laws*. <https://www.lgbtmap.org/file/2021-report-hatecrime-laws.pdf>. (July 28, 2021).

<sup>49</sup> Lieberman, M, *Hate Crimes, Explained*. Southern Poverty Law Center. <https://www.splcenter.org/hate-crimesexplained> (October 1, 2024).

efforts to help veterans transition into civilian life, including counseling, mental health, and social welfare services.<sup>50</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>51</sup> Federal and state authorities should take action to raise awareness about these laws – and enforce them.

### **Build community resilience and assist 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. But houses of worship and HBCUs are different from airports – and they cannot become armed fortresses, isolated and segregated from the broader community.<sup>52</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.

There is robust, bipartisan support in Congress for significantly increased funding for FEMA’s Nonprofit Security Grant Program (NPSG), which was funded at over \$450 million in FY 2024.<sup>53</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.

- 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.
- 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 all forms of hate and extremism.

### **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

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<sup>50</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=1VFsHaG0F1cx3WPD1EO9w%3D%3D>.

<sup>51</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-unlawfulparamilitaries-and-threats-to-democracy>.

<sup>52</sup> Kayyem, J. *A Synagogue Shouldn't Be a Fortress*. The Atlantic. <https://www.theatlantic.com/ideas/archive/2022/01/colleyville-standoff-synagogues-risk-defenses/621280/> (January 17, 2022).

<sup>53</sup> Department of Homeland Security, *FY 2024 Nonprofit Security Grant Program Fact Sheet*. Federal Emergency Management Agency. <https://www.fema.gov/grants/preparedness/nonprofit-security/fy-24-fact-sheet>. (April 16, 2024).

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**

Jews are not responsible for antisemitism – and Jews cannot end it on their own. To effectively combat antisemitism, Congress and the administration must support programs and initiatives designed to prevent hate, bias-motivated criminal activity, and extremism. 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.

Thank you for holding this important hearing. We stand ready to work with you as you continue to focus on this critical issue. If you have questions about this statement or need additional information, please contact Michael Lieberman, SPLC Senior Policy Counsel, Hate and Extremism, [Michael.Lieberman@splcenter.org](mailto:Michael.Lieberman@splcenter.org) or Dr. Alon Milwiski, SPLC Senior Research Analyst, Intelligence Project [Alon.Milwiski@splcenter.org](mailto:Alon.Milwiski@splcenter.org).