



STATEMENT OF MAYA WILEY, PRESIDENT AND CEO

THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

**HEARING ON: “A THREAT TO JUSTICE EVERYWHERE: STEMMING THE TIDE OF
HATE CRIMES IN AMERICA**

September 23, 2024

Chairman Durbin, Ranking Member Graham, and members of the Senate Judiciary Committee:

On behalf of The Leadership Conference on Civil and Human Rights, a diverse coalition of more than 240 national organizations working to build an America as good as its ideals, thank you for holding this critical hearing and for the opportunity to submit a statement for the record. These are ideals we seek to advance are ideals that the majority of people in America support — an America that values all her people and recognizes and reckons with its past in order to form a more perfect union and vibrant democracy for all time. We work to ensure that no group of people is excluded from the nation’s promise of having a voice in our government; real economic, educational, and societal opportunities; and the ability to understand and solve our problems together.

Since The Leadership Conference’s founding in 1950, we have helped secure the passage of every major civil rights law, from the Civil Rights Acts of 1957 and 1964, to the Americans with Disabilities Act, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and the COVID-19 Hate Crimes Act, which included the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act (also known as the Jabara-Heyer NO HATE Act).

We offer this statement for the record to express our thoughts regarding the current political climate’s impact on hate crime and recommendations on how the federal government can take action to counter hate crime. However, before we do that, we would be remiss if we did not address the racist remarks and bigoted questions at the September 17, 2024, hearing directed at Maya Berry, executive director of the Arab American Institute, and co-chair of The Leadership Conference’s Hate Crimes Task Force. Some senators sought to take away from the importance of the hearing by utilizing hate-filled rhetoric and stereotypes in their “questions.” In remarks directed to Ms. Berry, some committee members raised unfounded claims that serve to elevate and legitimize dangerous stereotypes of Arab Americans and Muslims, which was an attempt to dehumanize her. All of this was done while Ms. Berry was trying to keep the hearing focused on the rising hate facing so many of our communities. All of this was done in front of the families of victims of hate crimes, including from the Tree of Life synagogue, the site of the

deadliest antisemitic attack in U.S. history that killed 11 people in 2018, and the mother of Wadea Al-Fayoume, a six-year-old Palestinian-American boy who was killed in 2023 when he was stabbed 26 times in his home in Plainfield Township, Illinois.

We want to be crystal clear: Antisemitism is real, and we must confront it — together. Hiding behind the very real concern we should all have for the Jewish community cannot be allowed to mask vile bigotry. What is also clear is that anti-Arab racism is real, as evidenced by the remarks made by some committee members at the hearing. That, too, must be confronted and condemned. We will not tolerate hate of any kind, and we know that the greatest threat to all our precious communities is the hate and fear mongering that, in this instance, targeted our Arab American communities. Words are not just words, and when elected officials use their platforms to further dehumanize vulnerable groups, they give implicit approval for their supporters to respond with violence and hate.

Impact of Hate Crime

No conversation about hate crime should begin without an acknowledgement of the impact that hate crimes have on individuals and entire communities. Hate crimes, while they may be directed at an individual, send a message to all members of the targeted community that they are not welcome. Research has shown that hate crimes “hurt more” than non-bias motivated crimes. There are deeper and broader impacts, from behavioral changes to increased psychological impacts that “ripple” through a community. By listening to the stories of victims and survivors of hate, we have a better understanding of the depths of pain, waves of grief, and the generations of trauma that a single act of hate can produce. Emmett Till, James Byrd, Jr., Matthew Shepard, Khalid Jabara, Heather Heyer, Lt. Richard Collins III, Wadea Al-Fayoume, and all who were targeted in the mass hate crimes in cities that include Charleston, El Paso, Pittsburgh, Atlanta, and Buffalo are painful reminders of the impact – and cost – of hate. We continue to be inspired by the courage and resilience of the victims and survivors of hate crime.

Hate Crime Data

Hate crimes have increased by more than 80 percent since 2015. Under the Hate Crime Statistics Act of 1990, the Department of Justice is required to collect and report data on hate crimes. According to last year’s edition of the Federal Bureau of Investigation’s (FBI) Hate Crime Statistics report, law enforcement agencies participating in the Uniform Crime Reporting indicate that 2022 was the highest year on record for reported hate crimes since the FBI began publishing the data in 1991.¹ In contrast to the historically high number of reported hate crimes, 2022 also included the fewest number of law enforcement agencies reporting hate crime data since 2012.² Today, the FBI reported that incidents of violent crime in the United States fell by 3% in 2023, while the number of hate crimes rose.²

¹ Federal Bureau of Investigation. “Crime Data Explorer.” March 2023.

<https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/homehttps://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

² Lynch, Sarah N. “US violent crime decreased in 2023, hate crimes rose, FBI reports.” Sept. 23, 2024.

<https://www.reuters.com/world/us/us-violent-crime-decreased-2023-hate-crimes-rose-fbi-reports-2024-09-23/>.

Survey data from the Bureau of Justice Statistics (BJS), however, suggests the true number of hate crimes far exceeds the reported total. Both policymakers and stakeholders agree that there is a chronic and serious underreporting of hate crimes, and that failure to report accurate data translates into a failure to provide policy remedies and much-needed community support.

Current Political Climate

Even though we know that hate crimes are underreported, the data that does exist show trends. The Leadership Conference’s report *Cause for Concern 2024: The State of Hate (Updated May 2024)*,³ details one of the trends that communities across the country are experiencing right now, namely, increased hate crime during elections. According to research and historical data from the FBI, hate incidents and violence tend to increase around general elections.⁴ This has largely been the case since the FBI began publishing hate crime data in 1991. In more recent election cycles, white supremacist hate, and specifically white nationalists, have played a role in driving this trend.

White supremacy is a racist ideology that rests on the belief that the white race is inherently superior to all other races. White nationalism has been used as an “attempt to cloak white supremacist ideas” in the language of racial separatism.⁵ Antisemitism is specifically a key component of white nationalist ideology. In the past decade, antisemitic conspiracy theories have been expressed both in the dark corners of the web and by elected officials and people with power and influence — including the spread of conspiracy theories that play off long-standing antisemitic stereotypes and tropes. One example of this is the myth of the “Great Replacement.” This idea is core to white nationalism and says that white people are being systematically replaced by people of color through immigration — which some claim is a strategy orchestrated by Jewish people.

The amplification of hate and the widely unchecked circulation of conspiracy theories have consequences. For example, in 2017, white nationalists shouted racist and antisemitic chants — including “Jews will not replace us” — as they marched in Charlottesville, Virginia. Perpetrators of mass hate violence have cited these racist, antisemitic conspiracies as motivating factors for their attacks, from the Tree of Life synagogue in Pittsburgh, Pennsylvania, to a Walmart in El Paso, Texas, and a supermarket in Buffalo, New York. These conspiracies have had deadly consequences and demonstrate that the fight against hate is intersectional.

³ The Leadership Conference on Civil and Human Rights. “Cause for Concern 2024: The State of Hate (Updated May 2024).” April 2023. <https://civilrights.org/edfund/wp-content/uploads/sites/2/2023/04/Cause-For-Concern-2024.pdf>.

⁴ Davis, Kristina. “Hate crimes surge during presidential elections. So far 2020 isn’t any different.” The San Diego Union-Tribune. October 31, 2020. <https://www.sandiegouniontribune.com/news/public-safety/story/2020-10-31/hate-crimes-surg-e-presidential-elections>.

⁵ See Southern Poverty Law Center. “White Nationalist.”: <https://www.splcenter.org/fighting-hate/extremist-files/ideology/white-nationalist>; Anti-Defamation League. “White Nationalism.” April 14, 2017. Anti-Defamation League. <https://www.adl.org/resources/glossary-term/white-nationalism>. and Clark, Simon. “How White Supremacy Returned to Mainstream Politics.” Center for American Progress. July 1, 2020. <https://www.americanprogress.org/article/white-supremacy-returned-mainstream-politics/>.

Tragically, since 2015, reported hate crimes have nearly doubled. The 2016 Trump candidacy empowered white nationalists and provided them with a platform—one they had been seeking since the historic election of America’s first Black president in 2008.⁶

Today’s political climate is highly charged. From white supremacist and anti-government movements coalescing and moving more into the political mainstream, to conspiracy theories circulating online, to the amplification of hate by public officials, there are few — if any — signs that tensions will lessen.⁷ Movements grounded in attempts to whitewash history and deny the rights of the LGBTQ+ community have turned hate into campaign platforms. Furthermore, the most recent outbreak of violence in the Middle East has created a climate of increased hate targeting Arab, Jewish, and Muslim, Americans, a climate that has been exploited by white supremacists seeking to further their hateful agendas.

Contributing to the increase in hate are social media companies that have not internalized the lessons of the past and have set the stage for a 2024 election year that is at least as toxic online as past elections. Platforms have policies in place that curb and prevent the spread of hate and voting disinformation, but they do not consistently enforce them.⁸

Recommendations

Congress should pass the bipartisan Improving Reporting to Prevent Hate Act.

The bipartisan Improving Reporting to Prevent Hate Act (IRPHA) is legislation designed to address chronic underreporting of hate crime data by conditioning funding to large city police departments on their credible hate crime reporting to the FBI.

The Hate Crimes Statistics Act of 1990, which was modified in 2009, requires the U.S. attorney general to collect data on hate crimes. It does not, however, require law enforcement agencies to submit the data to the Department of Justice or FBI — leading to a major undercount of hate crimes.

What is *included* in federal hate crime statistics is just as important as what is *excluded* — the stories of those directly impacted by hate. Every data point is a story. Without improved hate crime reporting, too many stories go untold and unheard. To counter the scourge of hate crimes and hate incidents, we need to better understand what communities are experiencing. We need to hear the stories.

⁶ Osnos, Evan. “How White Nationalist Groups Found Their Candidate in Donald Trump.” NPR. September 3, 2015. <https://www.npr.org/2015/09/03/437195328/how-white-nationalist-groups-found-their-candidate-in-donald-trump>.

⁷ Miller, Cassie. “SPLC Poll Finds Substantial Support for Great Replacement Theory and Other Hard-Right Ideas.” SPLC. June 1, 2022. <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>.

⁸ Frankel, Sheera & Conger, Kate. “Hate Speech’s Rise on Twitter is Unprecedented, Researchers Find.” The New York Times. December 2, 2022. <https://www.nytimes.com/2022/12/02/technology/twitter-hate-speech.html?smid=nytcare-ios-share&referringSource=articleShare>.

On August 12, 2019, Haifa Jabara and Susan Bro published an editorial in *The New York Times*, sharing with the world the devastating story of why their paths crossed. They wrote that August 12 was forever ingrained in their memories, as it was the date their children were murdered in hate crimes — exactly one year apart from each other. In 2016, Haifa’s son Khalid was shot and killed by a neighbor in an anti-Arab hate crime on the front steps of his family home in Tulsa, Oklahoma. One year later, Susan’s daughter, Heather Heyer, was murdered by a white supremacist who intentionally plowed his car into a crowd of counter protesters during the violence inspired by the “Unite the Right” racist mob on the streets of Charlottesville, Virginia. Haifa and Susan also shared that neither of these high-profile murders was originally reported as a hate crime in official government data, though they were eventually prosecuted as hate crimes. They wrote, “In the eyes of the government, they were not even data points.”⁹

Regrettably, the stories of Khalid Jabara and Heather Heyer are not an exception to the rule — they are an example of how easily hate crimes can fall through the cracks.

In May 2021, President Biden signed the COVID-19 Hate Crimes Act — which includes the Khalid Jabara and Heather Heyer NO HATE Act — into law. Among other things, this law improves hate crime data collection and reporting. And while it is a significant step in the right direction, more must be done. Notably, the IRPHA will condition federal funding to police agencies serving large cities on credible hate crime reporting to the FBI.

Congress must provide oversight of National Incident-Based Reporting System (NIBRS) implementation. The FBI’s Uniform Crime Reporting system intended to transition to NIBRS-only data collection as of January 1, 2021. However, given the low number of agencies that submitted data via NIBRS, the FBI has been publishing supplementary reports that include data from the Summary Reporting System (SRS).

Accurate and reliable hate crime data is critical to addressing the scourge of hate crimes effectively and responding to the needs of communities. Full implementation of NIBRS must include sufficient compliance for the data to be meaningful and actionable for communities and law enforcement agencies.

Full implementation would provide a more accurate and comprehensive picture of what communities across the country are experiencing, as well as allow for victim advocates to better identify resources and respond to the needs of those targeted for hate. Congress must conduct robust oversight of the NIBRS implementation to ensure that hate crime data is accurate and trustworthy.

Pass the Domestic Terrorism Prevention Act.

The Domestic Terrorism Prevention Act authorizes the Department of Justice, Department of Homeland Security, and FBI offices that are responsible for monitoring threats to offer training and resources to assist state, local, and tribal law enforcement in understanding, investigating, prosecuting, and deterring acts of domestic terrorism. The legislation mandates that these agencies issue joint annual reports to the House and Senate Judiciary, Homeland Security, and Intelligence Committees in order to evaluate the

⁹ Bro, Susan & Jabara, Haifa. “Hate Crimes Are Slipping Through the Cracks.” *The New York Times*. August 12, 2019. <https://www.nytimes.com/2019/08/12/opinion/hate-crime-statistics-heather-heyer.html>.

domestic terrorism threat posed by white supremacists; examine domestic terrorism incidents that occurred in the previous year; and offer transparency through a public quantitative analysis of domestic terrorism-related assessments, investigations, incidents, arrests, indictments, prosecutions, convictions, and weapons recoveries.

Address white supremacy in federal law enforcement.

Congress should enact legislation to require the Department of Homeland Security, the Department of Justice, and the FBI — and all other federal agencies with police forces — to promptly implement President Biden’s May 2022 police reform executive order to “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.”

Increase interagency coordination against hate.

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.

Increase funding for the Department of Justice’s Community Relations Service

Another important tool for the federal government to utilize in combating hate crimes is the Community Relations Service (CRS). CRS was created within the Department of Justice by the Civil Rights Act of 1964 and provides services that improve communities’ abilities to problem solve and respond to conflict.

At a time when hate crimes are on the rise, and when police and community relations are a source of concern in some neighborhoods, CRS is more critical than ever. We have seen CRS in action across the country working with local law enforcement and other public safety officials, local and national civil rights organizations, and religious leaders at times when communities are in crisis. When communities are at greatest risk of being torn apart by discrimination, hate incidents, and hate crimes, CRS trains local community leaders to help keep the peace at rallies and marches. In the aftermath of a hate crime, CRS helps law enforcement engage with the communities targeted for hate, helping local law enforcement and government officials develop sustainable mechanisms for engaging with community leaders to help prevent and respond more effectively to hate in the future. CRS’s regional offices also allow its staff to understand the communities they are privileged to serve and to respond quickly to their needs. In short, CRS assists in creating long-term and sustainable social change. To continue its critical mission as an independent agency with adequate staffing, we urge Congress to support robust funding for CRS.

Public officials should speak out against hate.

Hate crimes are message crimes. To help counter the impact of hate crimes, we must counter the message the perpetrators seek to send. Anti-Black racism, antisemitism, xenophobia, transphobia, and all forms of hate should be excluded from campaign tactics.



Public officials should use their platforms to speak out against hate and never engage — not only does it send a message of inclusion to those targeted, but speaking out against hate can reduce the amount of hate crimes committed.

Thank you for the opportunity to submit this statement for the record. If you have any questions, please contact Jesselyn McCurdy, executive vice president for government affairs, The Leadership Conference, at jesselynmccurdy@civilrights.org.