



March 8, 2022

The Honorable Richard J. Durbin
Chair
Senate Judiciary Committee
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Judiciary Committee
Washington, D.C. 20510

Dear Chair Durbin and Ranking Member Grassley

On behalf of the Southern Poverty Law Center (SPLC) Action Fund, we write to provide our insights for today's hearing on "Combating the Rise in Hate Crime." 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 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 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*, will be released and available tomorrow.

The SPLC employs a three-pronged strategy: litigation, policy advocacy, and public education. We work within the judicial system to compel systemic reforms on behalf of victims of bigotry and discrimination. Through "Learning for Justice," our organization provides free resources to caregivers and educators to help advance human rights and an inclusive democracy.

Separately, the SPLC Action Fund advocates for the implementation of policies and laws to eliminate the structural racism and inequalities that fuel the oppression of people of color, immigrants, young people, women, low-income people, religious minorities, and the LGBTQ+ community. The Action Fund is dedicated to fighting for social justice alongside impacted communities in pursuit of equity and opportunity for all.

The Nature and Magnitude of the Current Hate Crime Threat

Criminal acts motivated by bias are very personal crimes, with unique emotional and psychological impacts on the victim – and the victim's community. Hate crimes 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),¹ the FBI is required to compile hate crime data from the approximately 18,000 federal, state, university, city, and tribal law enforcement authorities and publish an annual report. The FBI most recent HCSA report, published on August 30, 2021, documents 2020 hate crimes.²

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.³ Underreporting remains a persistent issue, obscuring the scale and scope of hate crimes in this country. For the third year in a row, participation in the FBI data collection program declined in 2020.⁴ 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 2020 FBI HCSA report:

- The FBI reported 8,263 hate crime incidents, compared to 7,314 reported in 2019, a 13% increase and the highest numbers reported since 2001.
- As in every year since 1991, race-based hate crimes were most numerous, making up 5,227 of 8,263 total hate crimes reported in 2020 (63%) – the highest number of race-based hate crimes since 2004, and a deeply-disturbing 32% increase over 2019.

¹ Public Law 101-275 (April 23, 1990) <https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg140.pdf>

² Federal Bureau of Investigation, 2020 Hate Crime Statistics Act Report, <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2020-hate-crime-statistics>

³ See, for example, the ADL chart listing almost 70 cities in the United States with populations over 100,000 that either did not report any data to the FBI in 2020, or affirmatively reported zero (0) hate crimes. <https://www.adl.org/media/16764/download>

⁴ Department of Justice, 2020 FBI Hate Crime Statistics, <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>

- As in every year since 1991, the clear majority of the race-based crimes were directed at Black people – 2,871 of the 5,227 (55%), a dramatic 49% increase over 2019.
- Crimes directed against individuals and property in Asian American/Pacific Islander communities increased 56%, from 179 reported crimes in 2019 to 279 in 2020.
- Anti-Hispanic hate crimes decreased slightly, after four straight years of increase – from 527 to 517 – still, the second-highest figure recorded since 2010.
- Religion-based crimes were second most numerous, with 1,244 reported religion-based crimes – a very significant 18% decline from the 1,521 reported in 2019. Crimes directed against Jews and Jewish institutions were the most numerous among religion-based hate crimes – 683, about 55% -- but a significant 28% decline from the 953 reported in 2019.
- 1,110 hate crimes were directed against people and institutions on the basis of sexual orientation, down 7% from 1,195 in 2019.
- 266 hate crimes were directed against people and property on the basis of their gender identity, a 34% increase – after an 18% increase in 2019 – and, by far, the highest reported since the FBI began collecting this specific data in 2013.
- The report documented 22 hate crime murders offenses, significantly down from 2019's record high of 51 hate crime murders (including 22 people killed at Walmart in El Paso, Texas on August 3, 2019 by a suspect believed to be motivated by anti-immigrant racism). Still, 22 is the third highest number of hate crime murders recorded since the FBI began collecting this data in 1991.
- Hate crime reports came from 15,138 law enforcement agencies (out of 18,625 across the country), a 3% decline from 15,588 in 2019, and, disturbingly, the third straight year of decline in police participation in the HCSA program.
- Only 2,389 of the 15,138 agencies that participated in the FBI data collection effort – less than 16% – reported one or more hate crimes. Every other agency, including almost 70 cities with populations over 100,000, either affirmatively reported zero (0) hate crimes or did not report any data to the FBI at all.⁵

Though clearly incomplete due to underreporting, the annual FBI HCSA reports provide the most comprehensive national snapshot available of hate violence in America. And because the FBI has integrated hate crime reporting into their 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 important facts to keep in mind:

⁵ Anti-Defamation League, <https://www.adl.org/media/16764/download>

- 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.⁶ One state, New Mexico, mandates reporting to the FBI, as well.⁷
- 2) **The FBI HCSA is reporting exclusively on crimes.** Not arrest, not 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 74-page 2015 FBI *Hate Crime Data Collection Guidelines and Training Manual* contains definitions, scenarios, and best practices for reporting this data to the Bureau.⁸ 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**. Better data will assist in proper allocation of police resources and personnel – preventing crimes and reassuring victims.⁹ 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.¹⁰ The National Policing Institute's Open Data Initiative demonstrated conclusively the police-community relations benefits of credible, real-time open hate crime data.¹¹

- 4) **The numbers do not speak for themselves.** On average, more than 21 hate crimes occurred every day in America in 2020 – one every 75 minutes or so. The impact of these crimes on communities can never be reduced to mere numbers. Behind each of the 8,263 reported criminal incidents in 2020 is a victim of violence, intimidation, or

⁶ The Anti-Defamation League maintains this chart of all state hate crime laws

<https://www.adl.org/media/17076/download>

⁷ NM Stat § 31-18B-4 (2016) <https://law.justia.com/codes/new-mexico/2016/chapter-31/article-18b/section-31-18b-4/>

⁸ FBI, *Hate Crime Data Collection Guidelines and Training Manual*, <https://www.fbi.gov/file-repository/ucr-ucr-hate-crime-data-collection-guidelines-training-manual-02272015.pdf/view> (2015).

⁹ International Association of Chiefs of Police, *Investigation of Hate Crime*, Concepts and Issues Paper, <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf> March 2021.

¹⁰ International Association of Chiefs of Police, *Model Policy, Investigation of Hate Crime*, Model Policy, <https://www.theiacp.org/sites/default/files/2021-03/Hate%20Crimes%20Formatted%202021-03-23.pdf> March 2021

¹¹ National Policing Institute, *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/>, January 2018.

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 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 has created gaps in our overall understanding of hate crimes in America. We really cannot know if the 2020 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.¹²

The COVID-19 Hate Crime Act

Enactment of the COVID-19 Hate Crimes Act last May, 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, is an important step forward.¹³ The new law – sparked by thousands of incidents of violence, harassment, and intimidation directed against Asian American and Pacific Islander community members – authorizes incentive grants to stimulate improved local and state hate crime training, prevention, best practices, and data collection initiatives. The new law also authorizes grants available for state hate crime reporting hotlines to direct individuals to local law enforcement and support services.

A critical component of the Act requires the administration to issue guidance for law enforcement agencies on accessible online reporting of hate crimes and for raising public awareness of the problem. The Justice Department and the Biden administration should work closely with the lead civil rights and religious organizations with expertise on hate crime prevention and response – along with community-based stakeholders, and lead law enforcement organizations – to craft this guidance and agree on best practices.

In addition, 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 legislative language of the COVID-19 Hate Crime Act is designed to ensure that these hotlines

¹² 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. 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.

¹³ Public Law 117-13, May 20, 2021 <https://www.congress.gov/117/plaws/publ13/PLAW-117-publ13.pdf>

are operated by state public health officials, victim assistance programs, or human relations/rights commissions, not by any law enforcement agency.

Comprehensive hate crime data collection and enforcement and implementation of current laws are both essential. But 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.¹⁴

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 effect of hate violence.¹⁵ Early, age-appropriate education implemented, far upstream and prior to the exposure to radicalizing extremist content, has also proven to be an important component of challenging and mitigating extremist harm.¹⁶

Victim Assistance and Building Community Resilience

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 almost 60 years since Ku Klux Klan members bombed the 16th 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.¹⁷ 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 worshipers 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 January 15 of this year, an individual seeking the release of an al-Qaeda operative held four Shabbat worshippers hostage at Rabbi Charlie Cytron-Walker’s Congregation Beth Israel in Colleyville, Texas.

¹⁴ Southern Poverty Law Center, Michael Lieberman, *Hate Crimes, Explained*, <https://www.splcenter.org/hate-crimes-explained>, October 27, 2021.

¹⁵ Harsha Panduranga, Brennan Center for Justice, Community Investment, Not Criminalization, https://www.brennancenter.org/sites/default/files/2021-06/2021_06_DHS_Targeted_Prevention.pdf, June 17, 2021

¹⁶ *Polarization and Extremism Research Innovation Lab and the Southern Poverty Law Center*, Parents & Caregivers Guide to Online Radicalization, Assessments & Impact, <https://www.splcenter.org/peril-assessments-impact>, July 2021

¹⁷ National Park Service, “16th Street Baptist Church Bombing (1963),” <https://www.nps.gov/articles/16thstreetbaptist.htm>.

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.¹⁸ 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 support in Congress for significantly increased funding for FEMA’s Nonprofit Security Grant Program (NPSG), which is currently funded at \$180 million. 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 you to complement this support 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 May 2021 National Strategy for Countering Domestic Terrorism.¹⁹ Like other recent intelligence community reports,²⁰ assessments²¹ and congressional testimony,²² the review concluded 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.

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

¹⁸ [Juliette Kayyem](https://www.theatlantic.com/ideas/archive/2022/01/colleyville-standoff-synagogues-risk-defenses/621280/), “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

¹⁹ The White House, National Strategy for Countering Domestic Terrorism, <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>, May 2021.

²⁰ Office of the Director of National Intelligence, “Domestic Violent Extremism Poses Heightened Threat in 2021,” <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>, March 1, 2021.

²¹ FBI and Department of Homeland Security, “Strategic Intelligence Assessment and Data on Domestic Terrorism,” <https://s3.documentcloud.org/documents/20743448/strategic-intelligence-assessment-and-data-on-domestic-terrorism-may-2021.pdf>, May 2021.

²² Testimony of Christopher A. Wray, Director, Federal Bureau of Investigation, Senate Committee on Homeland Security and Governmental Affairs, “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>, September 21, 2021, and Testimony of Alejandro N. Mayorkas Secretary U.S. Department of Homeland Security Senate Committee on Homeland Security and Governmental Affairs, “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>, September 21, 2021.

responsible for a substantial portion of today's domestic 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.²³

Spotlighting the Impact of Hate Crimes: The Recent Bomb Threats Against Historically Black Colleges and Universities (HBCUs)

Educational institutions, houses of worship, and other community institutions have historically been regarded as safe spaces for all people. These sanctuaries where communities gather, share, learn, create fellowship, and build support networks enrich our civil society and provide fulfillment and aid to individuals. This is particularly true for communities of color. Colleges and religious institutions have long played a key role in organizing and fostering leadership, prior to emancipation, during the civil rights movement, and that tradition continues today.

The bomb threats against almost two dozen HBCUs at the end of January and the beginning of February were deeply disturbing and shattered a sense of security and safety. The bomb threats are reminiscent of this country's long history of white supremacist attacks on Black churches – attacks with the explicit goal of terrorizing Black communities to assert control.

HBCUs have been essential for the education and elevation of Black leaders and intellectuals for over 150 years. As Raymond C. Pierce, President and CEO of the Southern Education Foundation, said in his statement condemning the bomb threats:

HBCUs have been and continue to be central to Black scholarship and to the inclusion of Black voices in the American dialogue. The thoughts and theories of Black scholars, enhanced and sharpened by the freedom they enjoy on historically Black campuses, bring unique and needed perspectives to important national conversations....

HBCUs are an indispensable and undeniable component of any strategy to address the systemic inequities that persist in all areas in our nation – from income and employment to criminal justice to housing to healthcare and education.

²³ The White House, National Strategy for Countering Domestic Terrorism, <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>, May 2021.

The FBI has stated that these bomb threats, whose timing appears to have been set to disrupt Black History Month, are being investigated “as racially or ethnically motivated violent extremism and hate crimes.”²⁴ Reports that the investigation’s focus is on several “tech savvy” juveniles underscore the need for parents, educators, and communities to be attuned to signs of radicalization and actively engaged in the inoculation of young people against radicalization and extremism. As institutions grapple with how to restore a sense of safety to their campuses and to prevent further disruptions in education, we must work alongside them to address the underlying causes of the rise in extremism and violent behavior in the country.

Conclusion

We must acknowledge that hate crimes and the harms 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.

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.

Policy Recommendations

Speak out against hate, political violence, and extremism

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.

Improve hate crime data collection efforts

- The Biden administration and Congress should promptly implement and fund programs authorized by the new COVID-19 Hate Crime Act and work urgently to address bias-based violence against Asian Americans and Pacific Islanders and other groups. In addition, we recommend closing gaps in current hate crime data collection and response.
- After 30 years of incomplete data and consistent FBI HCSA underreporting, Congress and the Biden administration should support expanded incentives – more carrots and more sticks – towards making hate crime prevention initiatives and credible hate crime reporting by all law enforcement agencies a condition precedent to receiving federal funds. Special attention should be devoted to large underreporting law enforcement

²⁴ FBI Statement on Investigation into Bomb Threats to Historically Black Colleges and Universities and Houses of Worship, <https://www.fbi.gov/news/pressrel/press-releases/fbi-statement-on-investigation-into-bomb-threats-to-historically-black-colleges-and-universities-and-houses-of-worship>, February 2, 2022.

agencies that either have not participated in the HCSA program at all or have incorrectly reported zero hate crimes.

- The FBI recently designated civil rights and hate crime as one of its highest national threat priorities.²⁵ 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.

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.

Expand anti-racism education and prevention initiatives

- 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. 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.

²⁵ Department of Justice, *Combatting Hate Crime*, <https://www.justice.gov/opa/press-release/file/1428666/download>

- Government should promote anti-bias education programs that 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,²⁶ 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*,²⁷ in our nation’s schools.
- Congress and the Department of Education should fund programs to develop and promote civics education and develop curricula on structural racism, as well as funding for states to implement their own related initiatives.
- Congress and the Biden administration should fiercely oppose efforts to falsely attack educational gag order on teaching truth and hard history, and other efforts to place restrictions on inclusive education.
- 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 laws on its StopBullying.Gov site.²⁸ The Department of Justice should replicate this work on the Department’s hate crime website,²⁹ with a focus on hate crime laws, as well as best state and local hate crime prevention practices.

Improve government response to domestic extremism

- Though the vast majority of hate crimes are not committed by individuals affiliated with an organized hate group, the Biden administration and Congress should continue to closely track and assess the nature and magnitude of the problem of domestic extremism and should fund resilience and digital literacy initiatives and government and academic research on best evidenced-based prevention programs.
- Congress should enact the Domestic Terrorism Prevention Act (S.964/H.R. 350), to 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. The legislation would also provide resources to strengthen partnerships with state and local law enforcement and community-based groups to confront far-right extremism.
- 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. Federal and state authorities should take action to raise awareness about these laws – and enforce them.

²⁶ <https://www.learningforjustice.org/>

²⁷ 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>

²⁸ Department of Education, StopBullying.Gov, *Laws, Policies & Regulations*, <https://www.stopbullying.gov/resources/laws>

²⁹ <https://www.justice.gov/hatecrimes>

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 the 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.

Thank you for holding this important hearing. We deeply appreciate this Committee's continued leadership to address hate violence and extremism. We look forward to working with you as you continue to focus on this domestic threat. If you have questions about this statement or need additional information, please contact Michael Lieberman, SPLC Senior Policy Counsel, at Michael.Lieberman@splcenter.org.

Sincerely,



LaShawn Warren
Chief Policy Officer

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