

May 4, 2021

The Hon. Matt Cartwright, Chair
Commerce, Justice, Science Subcommittee
House Appropriations Committee
H-310, Capitol Building
Washington, DC 20515

The Hon. Robert Aderholt, Ranking Member
Commerce, Justice, Science Subcommittee
House Appropriations Committee
1036 Longworth Office Building
Washington, DC 20515

Dear Chairman Cartwright, Ranking Member Aderholt, and Members of the Subcommittee:

As organizations that represent communities targeted by hate incidents ranging from vandalism and verbal harassment to life-threatening attacks, we write to urge you to increase funding in the FY22 Commerce-Justice-Science appropriations bill for community-based non-profits that provide holistic education and support services to mitigate the harm hate causes; for grants that improve data about and understanding of hate; and for restorative justice research and Community Relations Service interventions that address the roots of hate-motivated violence.

Our recommendations are grounded in our alarm at increases in reports of hate crime, and in our conviction that to further racial justice we must ensure that government agencies and nongovernmental organizations work together to support, validate, and vindicate each person and community at risk of being targeted because of race, national origin, religion, gender, gender identity, sexual orientation, or disability. As you know, in spite of declining law enforcement agency participation, the FBI's Hate Crime Statistics Act reports have documented year-to-year growth in the number of recorded hate crimes in recent years, culminating in the most deadly year on record in 2019, in which at least 51 people lost their lives in bias-motivated attacks. Anecdotal data captured by community-based organizations and surveys that ask Americans about their subjective experiences indicate that hate crime is a far more widespread and devastating phenomenon than even the FBI's report demonstrates. Behind each victim is an entire community of people who share the characteristics for which the person was attacked, and who experience the fear and instability that these acts cause.

Mitigating and preventing the enormous harm that bias-motivated violence does is necessary if we are to dismantle deep systemic inequities that have impeded our growth and achievement throughout American history. Moreover, at a time when our differences and conflicts threaten our ability to collaborate with one another to sustain democratic governance and protect public health, it is as important as ever that we stand up to hate and create an environment in which all of us are equally safe and empowered to thrive. We urge you to further these crucial efforts by adopting the following appropriations provisions and report language.

Increase Funding for Community-Based Anti-Hate Work

When hate incidents occur, the people, institutions, and communities that are affected often turn first for assistance and support to familiar and trusted organizations that work outside the criminal justice system to provide legal advice and defense, culturally-appropriate medical and mental health care, and other complementary services such as anti-bias education and help with basic needs. Strong indicators of the important role that community-based nonprofits play in

documenting, countering and mitigating hate include the significant volume of hate incidents reported directly to organizations and associations such as Stop AAPI Hate, the Southern Poverty Law Center, and the Anti-Defamation League, and the proliferation in recent years of programs and partnerships that aim to call out, and accelerate the fight against, hate, such as the Lawyers Committee for Civil Rights Under Law's James Byrd Jr. Center to Stop Hate. The federal government's investments in preventing and supporting healing from hate crimes must reflect the unique and indispensable role of non-government actors through a movement toward greater parity in distribution of funding to both community-based and government-run institutions. Therefore, we urge you to adopt the following report language:

“Department of Justice – Office of Justice Programs – ‘COMMUNITY SUPPORT FOR VICTIMS OF HATE CRIME.— The Committee recognizes that individuals and communities that perpetrators of hate crimes target are frequently the same individuals and communities that have been historically discriminated against and overrepresented among those investigated, arrested, convicted and incarcerated by law enforcement officials. Hate crime victims include noncitizens and people with immigrant family members who may fear immigration enforcement-related consequences of contact with law enforcement. For these and other reasons, communities affected by hate crime have called for increased investment in community-based social support and advocacy for victims as a necessary complement to law enforcement involvement in preventing and responding to hate crime. Accordingly, the Committee directs the agency to prioritize grants from programs for which institutions of higher education and nongovernmental nonprofit organizations are eligible to those applicants that are institutions of higher education and nonprofit organizations that propose to use funding to provide services that reduce the risk of hate crime or to provide legal, material, social, and other support to people and institutions affected by hate crimes. The agency should consider grant programs including but not limited to the Antiterrorism and Emergency Assistance Program, the Byrne Criminal Justice Innovation Program, Research and Evaluation on Domestic Terrorism Prevention, and Research and Evaluation of Services for Victims of Crime.”

Fund Improvements in Hate Crime Statistics

A more complete understanding of where, when, and against whom hate crimes occur is a necessary component of an effective and coordinated campaign to eradicate this scourge. In the nearly 30 years during which the FBI has compiled data pursuant to the Hate Crime Statistics Act, however, DOJ has yet to produce information that paints an accurate and comprehensive picture of hate crime. Multiple factors contribute to deficits in our knowledge about this phenomenon, including victimized communities' distrust and avoidance of law enforcement agencies; lack of training for officers in recognizing and investigating bias motivations; and frontline agencies' limited capacity to maintain and share records with DOJ combined with the lack of a reporting mandate. Congress can and must support stakeholders in overcoming these challenges by providing funding for data improvement programs authorized by the Jabara-Heyer NO HATE Act. To implement this priority legislation, we urge you to provide total funding of at least \$15 million in the Commerce-Justice-Science Appropriations bill for grant programs to State, local, and tribal law enforcement agencies to implement the National Incident-Based Reporting System, to create State-run hate crime reporting hotlines, and to conduct training and

develop protocols for identifying, analyzing, investigating and reporting hate crimes. In addition, we urge you to adopt the following corresponding report language:

“DOJ – State and Local Law Enforcement Assistance: ‘HATE CRIME STATISTICS REPORTING IMPROVEMENT.—The Committee is concerned that more than two thousand law enforcement agencies did not participate in the FBI’s most recent compilation of statistics about hate crimes, including ten agencies serving cities with populations greater than 100,000. In addition, underreporting of hate crime by participating agencies leads to an exponential gap between the number of hate crimes victims report experiencing in the National Crime Victimization Survey, and the number of hate crimes recognized and reported by law enforcement. Missing reports impair the ability of public safety officers and civil society to prevent and respond to hate crime. The Committee directs the Attorney General to publish and provide to this Committee not later than 180 days after enactment of this Act a report which shall include a qualitative analysis of the relationship between the number of hate crimes reported by State, local, and tribal law enforcement agencies through the National Incident-Based Reporting System and the nature and extent of law enforcement activities or crime reduction programs conducted by those agencies to prevent, address, or otherwise respond to hate crime; and a quantitative analysis of the number of State, local, and tribal law enforcement agencies that have adopted a policy on identifying, investigating, and reporting hate crimes; developed a standardized system of collecting, analyzing, and reporting the incidence of hate crime; established a unit specialized in identifying, investigating, and reporting hate crimes; and engaged in community relations functions related to hate crime or conducted hate crime trainings for agency personnel using federal funds provided during Fiscal Years 2020 and 2021.’”

Increase Support for Eliminating Hate by Ramping Up Peacebuilding and Advancing Restorative Justice

To secure a nation free from the fear and division that hate incidents cause, DOJ and other stakeholders must further develop ability and capacity to challenge the prejudices that lead to attacks. Within the agency, this work should start with and be led by an empowered and better-resourced Community Relations Service. This body’s efforts are symbolically important and practically effective. As Liz Hume and Theo Sither of the Alliance for Peacebuilding wrote in The Hill on March 17, 2021, “CRS has brokered agreements that have resolved underlying systems of injustice and division in communities experiencing high levels of conflict.”

Recognizing that CRS’s interventions save lives and preserve community cohesion, we urge you to take its work to scale and increase CRS’s annual funding to \$40 million to meet expanding demand resulting in part from COVID-19-related hate crimes targeting AAPI individuals and institutions. We recommend adoption of the following report language in support of CRS’s work:

“DOJ – Salaries and Expenses, Community Relations Service: ‘COMMUNITY RELATIONS SERVICE. —The Committee recommends \$40,000,000 for the Community Relations Service (CRS). CRS has a unique and important role to play in complementing the Justice Department’s law enforcement activities, particularly when those activities involve members of vulnerable and marginalized communities. CRS is charged with pursuing justice and reconciliation throughout all of the States and territories, by engaging crime victims, government agencies, civil rights

groups, and community leaders in healing and conflict resolution. CRS concentrates on developing mutual understanding in communities most challenged by tension and helps them develop local capacity and tools to prevent hate crimes from reoccurring. The Committee expects these efforts to expand, and CRS's services to be offered in more communities, in Fiscal Year 2022.”

Moreover, we implore you to acknowledge that members of communities targeted by perpetrators of hate crimes have themselves suffered from disproportionate surveillance and criminalization by the criminal justice infrastructure. As a result, many fear that punitive anti-hate crime policies are likely to be misused against marginalized communities, and question whether traditional punishment is the best possible means of redressing hate crime in a way that challenges offenders' beliefs and gives pause to others who may express or act on hate. Instead, alternatives to carceral sentencing, which might include educational and community service requirements or moderated conciliation and dispute resolution sessions, hold promise as a means of advancing stakeholders' interests and helping victims heal and regain confidence. Further study is needed to determine which interventions have a successful track record or have shown promise in experimentation, so we hope that you will reserve at least \$5 million of the funding provided to the Office of Justice Programs for Research, Evaluation, and Statistics for evaluation and development of restorative justice programming, and adopt the following report language:

“Research, Evaluation and Statistics: ‘RESTORATIVE JUSTICE RESEARCH.—The Committee recognizes that many members of communities targeted by hate crimes have also been disproportionately negatively affected by a criminal justice system suffused with institutional racism and prejudice against other minorities communities. As a result, a number of victims of hate crimes advocate responses to bias-motivated attacks that do not involve only or primarily carceral or punitive measures. The Committee notes the dearth of studies that evaluate the effectiveness of restorative justice alternatives to criminal punishment for commission of a hate crime, and directs the Department to fund and conduct research that can inform the adoption of sentencing alternatives that best serve hate crime victims' needs. The Department is encouraged to partner with academic institutions to evaluate the effectiveness of existing programs that employ conciliation, education, and other interventions to disrupt the malign beliefs of people convicted of hate crimes.”

We appreciate your consideration of these requests and look forward to working with you to ensure that FY22 appropriations advance the fight against hate in ways that best serve the needs of communities that are targeted because of members' race, ethnicity, national origin, religion, gender, sexual orientation, gender identity, and disability. If you have questions about these recommendations or seek additional information, please contact Erin Hustings at ehustings@adl.org and 202-316-3086.

Sincerely,

ACCESS (Arab Community Center for Economic and Social Services)

Act To Change

Anti-Defamation League

Hate Is A Virus

Interfaith Alliance

Japanese American Citizens League

Matthew Shepard Foundation

National Council of Jewish Women

Rabbinical Assembly

Sikh Coalition

Union for Reform Judaism

United Sikhs