

August 26, 2014

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As Chairs of the broad coalition of civil rights, religious, law enforcement, educational, civic, and professional organizations that worked for more than a decade to help secure enactment of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) in 2009, we believe that the fifth anniversary of the HCPA, on October 28, 2014, provides an important teachable moment for advocates, the Administration, and Congress to promote awareness of the HCPA, to report on the progress our nation has made in preventing hate violence, and to rededicate ourselves and our nation to effectively responding to bias crimes when they occur.

In planning for the anniversary of the HCPA, our coalition has developed the attached list of programs, events, and education, outreach, and training initiatives which we offer as suggested useful activities for the White House, other Federal officials, and Congress to undertake in commemorating, celebrating, and restating our national commitment to stop hate violence.

We applaud your great leadership – and that of Attorney General Holder – in securing the passage of the HCPA five years ago. Our broad coalition would welcome the opportunity to work with you and other Administration officials to implement many of these proposed programs and initiatives – as part of HCPA commemorative events on the anniversary date, for the rest of 2014, and beyond.

Sincerely,

American Association of University Women
Anti-Defamation League
Human Rights Campaign
The Leadership Conference on Civil and Human Rights

Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA)
Fifth Anniversary Action Agenda

I. Support Initiatives to Educate About and Prevent Hate Violence – and Implement and Enforce the HCPA

The White House

- The White House should plan events and programs to commemorate the fifth anniversary of the enactment of the HCPA – on and around October 28, 2014 and for the rest of the calendar year.
- The White House should convene a Summit or Briefing with key stakeholders across the country – including civil rights and community leaders, family members of hate crime victims, faith and interfaith groups, government agencies, corporations and representatives of the advertising, public relations, Internet, and social media industries – to raise awareness of this national problem and to discuss new federal and private initiatives that are specifically designed and implemented to address the problem.
- The White House should convene a meeting of key hate crime prevention and response experts and stakeholders – including civil rights and religious organizations, law enforcement groups, academics, and civic organizations – to discuss best practices and the benefits of effective responses to hate violence, specific strategies to improve hate crime reporting and response, and strategies and model responses to prevent these crimes in the future.
- The President, the Attorney General, the FBI Director, U.S. Attorneys, and other appropriate Administration officials should use their bully pulpit on the occasion of the anniversary to educate about the impact of hate violence and to speak out against all forms of bigotry and bias-motivated violence.
- The Administration should prepare a short video, or curricular materials for students about Matthew Shepard and James Byrd, Jr. – their lives and their bias-motivated deaths – designed to help inspire all Americans to help challenge bias, discrimination, and bigotry.
- U.S. Attorneys should use the anniversary as an occasion to sponsor programs in their Districts, and/or establish ongoing local initiatives, such as hate crime working groups composed of community-based organizations, civil leaders, and police officials.
- The President and First Lady could host a Skype televised event or Twitter Town Hall meeting to encourage students to speak out against bias and hate. Schools could participate or view the program live.
- Federal agencies should publicize and make information available about effective hate crime laws, prevention policies, best practices, and training initiatives. The Department of Education prepared a comprehensive listing of state bullying prevention laws and policies in 2011. The Department of Justice, working with civil rights organizations and law enforcement groups, should prepare a similar compilation.
- The Administration should create a Web site – similar to www.stopbullying.gov/ – to serve as a one-stop portal for an array of prevention and response resources. This effort should be accompanied by a coordinated public awareness campaign.
- The Department of Education, Office for Civil Rights and the National Association of Attorneys General should update their excellent 1999 report, Protecting Students from Harassment and Hate Crime.
- The Department of Education should encourage all schools to use classroom time to teach about bias and hate and to host programs to combat hate.

- The White House should establish a National Hate Crime Prevention Day/End Racism in America Day/No Place for Hate Day.

Justice Department and the FBI: Enforcement, Training, and Outreach

- The Justice Department should continue to aggressively investigate and prosecute appropriate cases under the HCPA.
- The Justice Department, including the FBI and the Community Relations Service, should announce plans for additional education and training programs for state and local law enforcement officials and state prosecutors on the components of the HCPA, using the Bureau's updated and revised Hate Crime Data Training Manual. These training programs should always include participation by appropriate local civil rights and religious organizations.
- The Justice Department should continue to vigorously defend the constitutionality of the HCPA. The Department should seek opportunities for hate crime coalition members to file supportive amicus briefs in appropriate cases.
- In conjunction with the Department of Homeland Security, the Justice Department should expand training for Immigration and Customs Enforcement officials and Border Patrol officers in how to recognize, investigate, and prosecute hate crimes.

II. Improve Federal Hate Crime Data Collection Efforts

- Justice Department officials – including US Attorneys, FBI officials, and Community Relations Service professionals – should promote comprehensive participation in the HCSA, with special attention devoted to underreporting large agencies that either have not participated in the HCSA program at all or have erroneously reported zero (0) hate crimes. Efforts should be made to increase understanding by local jurisdictions of the importance of the HCSA initiative.
- FBI Director Comey should hold a press conference on the day the 2013 HCSA is released, now scheduled for December 8. He should underline the importance of comprehensive and accurate reporting for the FBI, for law enforcement authorities, and for society. He should announce initiatives and incentives designed to ensure the broadest possible participation in the HCSA data collection program in the future.
- The FBI, the Justice Department, and US Attorneys should create incentives for participation in the FBI's HCSA date collection program – including national recognition, targeted funding, matching grants for state and local HCSA-related training, and mechanisms to promote replication of effective and successful programs. Some Justice Department funding should be made available only to those agencies that are demonstrating credible participation in the HCSA program.
- The Justice Department and the FBI should work cooperatively with police organizations and departments to promote and increase funding for the FBI's National Incident-Based Reporting System (NIBRS) crime reporting program, which will provide much more specific information about hate crime victims and perpetrators.
- FBI Field Office and FBI Resident Agent offices should work with those agencies in their jurisdictions that are substantially underreporting hate crimes, with special outreach to those agencies. Performance audits of FBI offices should include recognition for agents that help improve HCSA reporting in their jurisdiction.
- Justice Department and FBI officials should expand education and training about the HCPA-mandated 2013 HCSA data collection categories – gender and gender identity, (including training on how serial domestic violence and the most violent incidents of rape and sexual assault could be criminal civil rights violations) as well as hate crimes committed by and against juveniles – and ensure that state and local law enforcement officials are reporting on these new categories for calendar year 2013.

- The FBI should continue to make steady progress towards implementing its new 2015 HCSA mandate to collect data on bias-motivated crimes directed against Sikhs, Arabs, and Hindus – and Buddhist, Mormon, Jehovah’s Witness, and Orthodox Christian individuals. The Bureau should continue to work closely with affected groups and civil rights and religious organizations to update its 2012 Hate Crime Data Collection Guidelines and Training Manual in time to help police report date on the expanded categories in 2015.
- Congress, the Justice Department, and the FBI should explore new steps that could be taken to ensure more accurate, helpful statistics – including greater transparency and accountability and the possibility of congressional briefings and oversight hearings on the issue.
- The Department of Justice and the FBI should work with the civil rights community and disability rights organizations to raise awareness and provide guidance and training on how to enhance accessibility so that people with disabilities – especially those with sensory, intellectual, and mental disabilities – can more effectively navigate the criminal justice system in an effort to improve disability-based hate crime prevention, reporting, and response by police agencies.
- The Department of Education should continue to effectively integrate and implement its new VAWA-mandated campus hate crime data collection categories, including gender identity, and to harmonize with FBI HCSA data collection categories and definitions.
- In cooperation with the Department of Justice, the Department of Education, and the FBI, should expand outreach and training with colleges and universities to improve campus hate crime reporting.
- The Administration should promote research and education on the nature and magnitude of targeted violence against individuals experiencing homelessness and take action to prevent this violence.

III. Studying and Countering the Promotion of Extremism and Bigotry

- The Justice Department should support the completion and review of the findings of its funded study about the connection between the overheated and too-frequently demonizing immigration policy debate and the disturbing number of bias-motivated crimes against new immigrants and people who are perceived as immigrants.
- In conjunction with academic institutions, the Department of Education and the Department of Justice should fund research into the nature and magnitude of the hate crime problem in America.
- In conjunction with civil rights groups, victim advocacy organizations, and the academic community, the Administration should fund research to assess the disposition of hate crimes reported to the police, including a study of hate crime prosecutions at the Federal and state levels, and the adequacy of the response by the police and other government agencies.
- The Department of Education should encourage the growth of the academic study of hatred and continued progress towards creation of a field of Hate Studies, which will help provide testable theories about how hatred works and how to combat it.
- Responding to increasing hate on the Internet, the Administration should resist any efforts to restrict protected First Amendment speech. The Administration should work cooperatively with Internet, social media, and tech industries to promote diversity and anti-bias programs and initiatives, including programs to help develop students’ critical thinking skills for Internet, viral, and wireless communications to reject hate and bigotry.
- The National Telecommunication and Information Authority should update its 1993 report on the impact of electronic hate – with a focus on the connection between online hate and bias-motivated violence and vandalism.

- Recognizing that white supremacist prison gangs have grown greatly in number and membership across the country, and that such gangs increasingly conduct more and more of their activities – including hate violence – not just behind bars but on the streets in America, the Justice Department should study, gauge, and report on the magnitude of this problem and create programs and initiatives to counter it.
- The Department of Defense should take steps to counter the promotion of extremism in the military, including enforcement of existing recruiting restrictions and anti-bias hazing restrictions

IV. Legislative Initiatives

- Congress should hold oversight hearings on the implementation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, enforcement actions over the past five years, and efforts to improve federal, state, and local response to hate violence.
- The President and Congress should support budget authority to fund, for the first time, grants authorized under Sec. 4704 of the HCPA, which are intended to promote federal coordination and support for bias-motivated criminal investigations and prosecutions by State, Local, and Tribal law enforcement officials.
- Recognizing the limits of legal responses to hate violence, the Administration and Congress should promote the enactment of comprehensive legislation focusing on inclusive anti-bias education, hate crime prevention, and bullying, cyberbullying, and harassment education, policies, training, social and emotional learning school-wide positive behavior supports and early intervention initiatives.
- The Administration and Congress should include bullying and harassment and non-discrimination provisions in its proposals for reauthorization of the Elementary and Secondary Education Act, the Higher Education Act, the Juvenile Justice and Delinquency Prevention Act Reauthorization, and other appropriate legislative vehicles.

V. Demonstrate International Leadership in Countering Violent Bigotry

Coalition members whose work extends to international issues propose the following initiatives:

- The United States, through the Department of State, Department of Justice, delegation to the Organization for Security and Cooperation in Europe (OSCE) and other multilateral organizations, should:
- Maintain comprehensive and inclusive Department of State monitoring and public reporting on anti-Semitic, racist and xenophobic, anti-Muslim, homophobic, transphobic, anti-Roma, and other bias-motivated violence abroad.
- Promote programs that educate and counter gender-based violence against women.
- Provide appropriate technical assistance and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting, and prosecuting violent hate crimes, and organizing international visitors programs for representatives of law enforcement, victim communities, and legal advocates.
- Demonstrate international leadership by providing political and financial support designed to increase civil society engagement and practical work on xenophobic and bias-motivated violence in addition to expanding information campaigns, and encouraging states to implement existing commitments, such as to collect and report hate crime data.