

# **Testimony Submitted for the Record**

## **Senate Judiciary Committee Hearing**

### **A Threat to Justice Everywhere: Stemming the Tide of Hate in America**

Anti-Defamation League

September 17, 2024



*Working to stop the defamation of the Jewish people and to  
secure Justice and fair treatment to all since 1913*

## **ADL Mission**

Since 1913, the mission of ADL (the Anti-Defamation League) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, ADL is a global leader in exposing extremism, delivering anti-bias education, and monitoring and fighting the spread of hate in our communities and online. One of the most important ways in which ADL has fought against bigotry and antisemitism has been by investigating extremist threats across the ideological spectrum, producing research to inform the public of the scope of the threat, and working with community partners, law enforcement, educators, the tech industry and elected leaders to promote best practices that can effectively address and counter these threats.

## **ADL Hate Crimes Work**

Hate crimes cause unique harm. When an individual is targeted because of an actor’s bias regarding their actual or perceived race, color, religion, ethnicity, national origin, gender, sex, sexual orientation, gender identity or expression, or disability, it deeply harms not only the individual, but also the group of people who share the characteristic for which the individual was targeted.

For decades, ADL has been a leader in efforts to counter the uniquely harmful impact of hate crimes on individuals and entire communities and to prevent such crimes in the first place. We do this by advocating for more comprehensive and inclusive hate crime laws, working to ensure that hate crimes receive the priority attention they warrant from law enforcement and government/policy leaders, and by supporting hate crime victims and communities who are disproportionately impacted.

In 1981, ADL crafted the first model hate crime law in the country. Today, 46 states, as well as the District of Columbia, have hate crime laws, many of which are based on or similar to our model, a version of which was unanimously upheld by the U.S. Supreme Court in 1993. We helped lead a coalition of more than 100 civil rights, faith-based, law enforcement and civic organizations that worked for 13 years to secure the passage of the landmark Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act in 2009, which expanded federal hate crime legislation to cover crimes motivated by the actor’s bias against the actual or perceived gender, sexual orientation, gender identity or disability of the victim. We also continue to work at the state and local level, alongside community partners, to ensure comprehensive and inclusive hate crime laws and policy, support for victims and communities targeted by hate crimes, and education to prevent bias-motivated violence in the first place.

## **Current Trends**

### Overall Rise in Hate Crimes

The latest data from the Federal Bureau of Investigation (FBI) reflects that hate crimes reached a record high in 2022, continuing a disturbing trend over recent years. According to the FBI's annual report, there were 11,634 reported hate crime incidents in 2022, which is the highest number on record since the FBI began collecting hate crime data in 1991. This represents a 7% increase from the 10,840 incidents reported in 2021.

As has been the case consistently since hate crimes reporting began, race-based hate crimes—particularly anti-Black hate crimes—continue to account for the majority of these incidents. In 2022, approximately 56% of all reported hate crimes were motivated by bias based on race, ethnicity, or ancestry. Among these, anti-Black hate crimes constituted the vast majority, as they have for over three decades.

Reported single-bias anti-Jewish hate crimes increased sharply by 37%, reaching 1,122 incidents in 2022, the highest number recorded in nearly three decades and the second-highest number on record since the FBI began tracking hate crime data in 1991. Consistent with trends over the last several decades, reported anti-Jewish hate crimes also comprised more than half of reported religion-based hate crimes – despite the fact that Jews make up only 2% of the U.S. population. This rise underscores the persistent and pervasive nature of antisemitism in the United States. There were also 139 antisemitic assaults reported in 2022, representing a 28% increase from the 109 incidents reported in 2021.

In addition, the number of reported anti-LGBTQ+ hate crimes rose significantly. Hate crimes based on sexual orientation bias rose from 1,707 in 2021 to 1,944 in 2022, while hate crimes based on gender identity bias increased from 342 in 2021 to 469 in 2022.

Reported “anti-Hispanic or Latino” (the term used by the FBI) hate crime incidents rose from 698 in 2021 to 738 in 2022 (a 6% increase), and reported anti-AAPI hate crimes have also remained at concerning high levels (294 in 2020, 789 in 2021, 525 in 2022). Reported anti-Muslim hate crime incidents rose from 152 reported incidents in 2021 to 158 reported incidents in 2022, and reported anti-Sikh hate crime incidents remained at historically high levels (185 in 2021 and 181 in 2022, compared with 67 in 2020). In addition, reported hate crime incidents based on disability bias rose from 152 reported incidents in 2021 to 171 in 2022 (a 12.5% increase)

The rise in reported hate crimes comes despite continuing concerns about underreporting. In 2022, a total of 14,631 law enforcement agencies participated in the FBI's hate crime reporting program, representing only 77.5% of all eligible agencies. Furthermore, many participating agencies continue to report zero hate crimes, which raises questions about the completeness and accuracy of the data.

Experts, including those at ADL, widely agree that the real volume of hate crimes targeting marginalized communities is likely significantly higher than the FBI's data indicate. Not only do many law enforcement agencies fail to report complete and accurate hate crimes data to the FBI, but research has shown that communities – particularly the communities most likely to be targeted by hate crimes – face significant barriers to reporting hate crime incidents to law enforcement. As a result, we know that even the record-high numbers of reported hate crime incidents that the FBI data reflects – 11,634 in 2022 – does not come close to the actual total. For example, while the FBI reported 1,122 anti-Jewish hate crimes in 2022, ADL's own tracking suggests that many additional incidents went unreported.

### Rising Antisemitism

Since 1979, ADL has been compiling an annual Audit of Antisemitic Incidents (“the Audit”) that includes both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats, and slurs, as well as acts of vandalism and assault.

In 2023, ADL tabulated 8,873 antisemitic incidents across the United States. This represents a 140% increase from the 3,698 incidents recorded in 2022 and is the highest number on record since ADL began tracking antisemitic incidents in 1979. In fact, ADL tracked more incidents in 2023 than in the previous three years combined. Incidents increased in all major Audit categories. Assault incidents increased by 45% to 161 incidents, vandalism increased 69% to 2,177 incidents and harassment increased 184% to 6,535 incidents.

While the October 7, 2023, terror attacks in Israel were a major factor in driving the unprecedented spike in antisemitism recorded in 2023, even prior to October 7 there were monthly increases throughout the year: February (402), March (471), April (432), May (437) and September (513). Each of these months broke the prior year’s record for most incidents recorded in a single month, set in November 2022 (394).

After October 7, ADL observed explicitly antisemitic and anti-Zionist rhetoric at 1,352 anti-Israel rallies across the United States. Even leaving out all Israel-related incidents from the data, antisemitic incidents still rose by 65% to 5,711, well exceeding the 3,457 non-Israel-related incidents recorded in 2022.

### Murder and Extremism

Every year, individuals with ties to different extremist causes and movements commit acts of violence in the United States; the ADL Center on Extremism (COE) tracks extremist-motivated acts of murder. Extremists regularly commit murder in the service of their ideology, to further the objectives of a group or gang they may belong to, or even while engaging in traditional, non-ideologically motivated criminal activities.

In 2023, domestic extremists killed at least 17 people in the U.S., in seven separate incidents. The 2023 murder totals include two extremist-related shooting sprees, both by white supremacists, which together accounted for 11 of the 17 deaths. A third shooting spree, also by an apparent white supremacist, wounded several people but luckily did not result in fatalities. All the extremist-related murders in 2023 were committed by right-wing extremists of various kinds, with 15 of the 17 killings involving perpetrators or accomplices with white supremacist connections. This is the second year in a row that right-wing extremists have been connected to all identified extremist-related killings.

### Hate Online

Hate and extremism are also significant concerns online. One urgent aspect of hate crimes is the proliferation of hate and harassment online. The [ADL Center for Technology and Society](#) conducts an annual survey to assess bias-motivated online harassment, and the 2024 report found disturbing results. Overall, 53% of respondents reported having experienced some form of online hate and harassment, with 38% of respondents experiencing severe forms of harassment, including sexual harassment, stalking, physical threats, swatting, doxing, or sustained harassment.

32% of respondents reported that the harassment was directly tied to an identity characteristic, such as sexual orientation, religion, race, ethnicity, gender identity, or disability.

The survey also highlighted troubling trends impacting historically marginalized groups. 30% of Hispanic or Latino respondents, 27% of African American respondents, and 20% of Asian American respondents reported experiencing harassment based on their race or ethnicity. 35% of Muslim respondents and 16% of Jewish respondents reported experiencing online harassment related to their religion.

For the third consecutive year, 63% of LGBTQ+ respondents reported experiencing harassment, making it the highest percentage of any demographic group. 24% of women respondents reported harassment based on their gender.

### **Policy Recommendations**

ADL urges Congress to take the following critical steps, consistent with ADL's COMBAT and PROTECT Plans, comprehensive frameworks for elected officials and policymakers to take meaningful action to fight antisemitism and all forms of hate.

1. **Speak out against antisemitism and all forms of hate across the country:** The Jewish community has faced a disturbing and sharp rise in hate crimes and acts of harassment, vandalism, and assault. We need to know we are supported by leaders at the highest levels of government.
2. **Support implementation of the U.S. National Strategy to Counter Antisemitism:** Pass the Countering Antisemitism Act (CAA), the most comprehensive antisemitism initiative to be introduced in history, which will implement key parts of the National Strategy and ensure its policies and infrastructure are made permanent. This bill would strengthen federal efforts to counter antisemitism.
3. **Utilize the IHRA definition of antisemitism:** Pass the Antisemitism Awareness Act, which reinforces the use of IHRA in addressing campus harassment, and urge the Department of Education to issue regulations pursuant to Executive Order 13899 on Combating Anti-Semitism.
4. **Fund the Nonprofit Security Grant Program (NSGP)** in the annual appropriations process: The demand for grants continues to exceed the resources provided, even after the influx of funding from the supplemental appropriations bill. Nonprofit organizations, Jewish institutions, and houses of worship must have access to these resources to protect themselves from the rising threats.
5. **Ensure more robust and accurate hate crime reporting by law enforcement agencies:** Countering hate crimes is a critical task, especially now when manifestations of antisemitism and other forms of hate are on the rise. We are alarmed that the Federal Bureau of Investigation (FBI) hate crime statistics for 2022 continue to reflect insufficient participation from law enforcement agencies. Data drives policy, and without

having a complete picture of the issue, with all eligible jurisdictions participating meaningfully and accurately, we cannot effectively address the recent significant surges in hate violence. Accordingly, we welcomed the opportunity to be part of the coalition behind the introduction of the Improved Reporting to Prevent Hate Act which ties federal funding for state and local law enforcement agencies to meaningful, robust, and accurate participation in the FBI's hate crime data collection efforts each year. Improved data collection and reporting is a necessary step in the fight to address hate-motivated violence. We call on the Senate to introduce companion legislation and we urge both chambers to pass it.

6. **Fund hate crime prevention programs:** There must be sufficient funding for the COVID-19 Hate Crimes Act and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Such funding is key to improving hate crime reporting and response, and implementing hate crime prevention initiatives and state hate crime hotlines. Congress must also fund grants that support community-based approaches to advancing justice and reconciliation, facilitating dialogue between parties, building local capacity, de-escalating community tensions, and preventing hate crimes through conflict resolution and community empowerment and education.
7. **Supporting victim- and community-centered approaches to hate crimes responses.** At a time when hate crimes have reached record highs and are continuing to increase, many communities across the country are feeling increasingly vulnerable to bias-motivated crimes and extremist-fueled attacks. At the federal, state, and local levels, it is important to a) champion efforts to provide funding and other support for victims of hate crimes and the community organizations who provide direct service to them, as well as b) support initiatives that provide alternative mechanisms to reporting hate crimes to law enforcement. Research shows that many of the individuals/communities who are most frequently targeted by hate crimes may be the least likely to feel safe reporting hate crimes to law enforcement. In light of the barriers that exist to reporting to police – and the continued importance of ensuring that hate crimes data collection is as comprehensive as possible and includes all targeted communities' lived experiences – implementing such alternative avenues for reporting is critically important.
8. **Pass the Domestic Terrorism Prevention Act:** Ensure that the Department of Homeland Security, the Department of Justice and the Federal Bureau of Investigation appropriately prioritize, monitor, analyze, investigate, and prosecute acts of domestic terrorism.
9. **Ensure enforcement of Title VI:** Sufficiently fund the U.S. Department of Education's Office for Civil Rights (OCR) so that it has full capacity to investigate complaints alleging harassment and discrimination on college and university campuses and in K-12 schools.
10. **Support preventative measures to counter violent extremism:** Prevention measures to address violent extremist radicalization and recruitment, including through the funding and reform of programs like the Center for Prevention Programming and Partnerships (CP3) and other community resilience approaches to preventing terrorism that have been

chronically underfunded. A law enforcement-only approach is insufficient to address the challenge of radicalization leading to violence; Congress must buttress funding to nongovernmental partners to promote more effective multidisciplinary strategies.