Coalition Letter Encouraging Bipartisan Support for the Khalid Jabara and Heather Heyer NO HATE Act

April 8, 2021

Dear Member of Congress,

We, the undersigned organizations, write to express support for the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality (Jabara-Heyer NO HATE Act), introduced today by Representatives Don Beyer (D-VA), Fred Upton (R-MI), Judy Chu (D-CA), and Vern Buchanan (R-FL). We look forward to Senator Richard Blumenthal’s (D-CT) re-introduction of the companion bill in the Senate, where it is also supported by Senator Jerry Moran (R-Kan.). The Jabara-Heyer NO HATE Act is an important piece of legislation that would improve hate crime statistics and promote a better response to hate crime within our communities. We support this legislation at a time when hate crimes against Asian American communities as well as hate crimes against other people of color, religious minorities, immigrants, people with disabilities, and the LGBTQ community are increasing. And we support this at a time when we are all coming together to demand investments in our communities. This legislation will give us all access to the accurate data necessary to drive community centered policies that reflect the needs of people targeted for hate.

Under the Hate Crime Statistics Act of 1990 (HCSA) (28 U.S.C. 534 note), which Congress passed with overwhelming bipartisan support, the Federal Bureau of Investigation (FBI) collects data on hate crimes reported by state and local law enforcement agencies. According to the FBI, state and local law enforcement agencies reported 7,314 hate crime incidents in 2019, the most recent year for which data is available from the FBI, including a record high 51 hate crimes murders. Indeed, 2019 marks the deadliest year on record since the hate crimes reporting program started in 1991. This is especially alarming considering that the number of law enforcement agencies voluntarily reporting their figures has decreased, which means the report only captures a fraction of actual incidences of hate crimes.

Annual statistics based on data collected under the HCSA provide the best picture of hate crime in American communities. However, they do not fully depict the nature and extent of the problem. The Department of Justice estimates that U.S. residents experienced an average of 204,600 hate crimes each year from 2013 to 2017, which is more than 33 times the average annual number of hate crimes collected under the HCSA during the same period. When you are a part of a community targeted for hate and see that the DOJ’s FBI is reporting 7,314 hate crimes in a year at the same time the DOJ estimates that the actual number is closer to 200,000, it undermines trust. You know that government and community leaders do not have the information they need to effectively address the scourge of hate.
crimes. These estimates are based on survey data from the Bureau of Justice Statistics. Because the survey data do not include offenses such as intimidation or vandalism, which account for most hate crimes recorded in the HCSA data, the disparity between the survey data and the HCSA data is even more significant than what is cited above.

As we have seen demonstrated in the last few years, some of the most high-profile hate crimes, such as the 2016 murder of Khalid Jabara in Tulsa, Okla., and the 2017 murder of Heather Heyer in Charlottesville, Va., can go unreported in federal hate crime statistics. Mr. Jabara and Ms. Heyer were killed exactly one year apart, on August 12, and although their murders were prosecuted as hate crimes, they are not included in the data.

There are many reasons why an incident might not be recorded in federal hate crime statistics. For example: victims might be apprehensive to report hate crimes to law enforcement; agencies might be using outdated reporting systems; technical glitches might occur during the data submission process; or law enforcement officers might lack the proper training to identify, report, and respond to hate crimes. In the case of Tulsa and Charlottesville, the omissions were the result of one or more of these factors.

The murders of Khalid Jabara and Heather Heyer are not the only high-profile incidents to go unreported in federal hate crime statistics. That such cases get excluded from the data underscores the urgent need for reform. If even the most flagrant acts of hate violence are missing from federal statistics, we have to ask ourselves, what else are we missing? Moreover, we have to consider how inaccurate data prevent policymakers, law enforcement, and impacted communities from developing the most effective response.

Both Republican and Democratic members of Congress have raised these concerns about inaccuracies in federal hate crime statistics. Now is the time to act. The Jabara-Heyer NO HATE Act will improve our hate crime statistics and promote a better response to hate crime in our communities. Specifically, the bill would help law enforcement agencies transition to a modernized form of crime reporting, provide grants for state-run hate crime hotlines, encourage law enforcement agencies to adopt policies and programs that would improve reporting, to include effective engagement with communities targeted for hate and hate crimes training for personnel, require the Department of Justice to conduct research on hate crime reporting and data collection, and allow courts to require certain hate crime offenders to participate in community service or education programs as a condition of supervised release. These provisions would address the many factors that contribute to inaccuracies in federal hate crime statistics. Furthermore, they would improve the response to hate crime within law enforcement and the criminal-legal system, and reduce barriers to receiving support or assistance that many hate crime victims experience. Money that has already been authorized to DOJ can be reappropriated to fund these provisions.

As organizations representing communities targeted for hate, we know that the failure to capture accurate data translates into a failure to provide the support that communities need right now. Our elected officials must come together and address the problems with hate crime reporting and data collection under the HCSA. It is imperative that policymakers, law enforcement, and impacted communities have the most accurate information possible. We therefore urge you to support and cosponsor the Jabara-Heyer NO HATE Act.
Please direct all questions to Nadia Aziz, Deputy Director of the Arab American Institute, at nadia@aaiusa.org, or 202-429-9210; or Becky Monroe, Director, Fighting Hate and Bias Program, The Leadership Conference on Civil and Human Rights, at monroe@civilrights.org.

Respectfully,

Arab American Institute
The Leadership Conference on Civil and Human Rights
Act To Change
African American Ministers In Action
Alliance of Baptists
American Association of University Women (AAUW)
American Federation of Teachers
American Jewish Committee
American-Arab Anti-Discrimination Committee (ADC)
Americans for Democratic Action (ADA)
Amnesty International USA
Anti-Defamation League
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice | AAJC
Asian and Pacific Islander American Vote
Autistic Self Advocacy Network
B’nai B’rith International
Center for American Progress
Center for Common Ground
Center for Disability Rights
Center for the Study of Hate & Extremism - California State University, San Bernardino
Clearinghouse on Women’s Issues
Disability Rights California
Disciples Center for Public Witness
Engage
End Citizens United / Let America Vote Action Fund
Equality California
Feminist Majority Foundation
Futures Without Violence
Girls Inc.
Global Project Against Hate and Extremism
Hate Is A Virus
Hindu American Foundation
Human Rights Campaign
Impact Fund
Interfaith Alliance
Japanese American Citizens League
Jewish Council for Public Affairs
Justice in Aging
Lake Oconee Community Church
Lambda Legal
Laotian American National Alliance
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States
Matthew Shepard Foundation
Movement Advancement Project (MAP)
Muflehun
Muslim Advocates
Muslim-Jewish Advisory Council
National Action Network
National Asian Pacific American Bar Association (NAPABA)
National Association of Human Rights Workers
National Black Justice Coalition
National Council of Asian Pacific Americans (NCAPA)
National Council of Churches
National Council of Jewish Women
National Council of Negro Women
National Disability Rights Network (NDRN)
National Equality Action Team (NEAT)
National Indian Education Association
National Network for Arab American Communities (NNAAC)
National Organization for Women
National Partnership for Women & Families
NETWORK Lobby for Catholic Social Justice
NIEA
Not In Our Town
OCA - Asian Pacific American Advocates
People For the American Way
PFLAG National
Poligon Education Fund
Public Advocacy for Kids
Public Justice
Public Wise
SHK Global Health
Sikh American Legal Defense and Education Fund (SALDEF)
Silver State Equality-Nevada
Sisterhood of Salaam Shalom
Society of the Sacred Heart United States Canada Province
South Asian Americans Leading Together
SPLC Action Fund
TASH
Texas Progressive Action Network
The Sikh Coalition
The Workers Circle
UnidosUS
Union for Reform Judaism
Women's Islamic Initiative in Spirituality and Equality
YWCA USA