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**WRITTEN STATEMENT OF  
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**“Hate Crimes and the Threat of Domestic Extremism” Hearing**

**SENATE COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS,  
AND HUMAN RIGHTS**

**UNITED STATES SENATE  
SEPTEMBER 19, 2012**

South Asian Americans Leading Together (SAALT) welcomes the opportunity to submit a statement for the record for the September 19, 2012 hearing on “Hate Crimes and the Threat of Domestic Extremism” before the Senate Committee on the Judiciary’s Subcommittee on the Constitution, Civil Rights, and Human Rights. Given the recent tragedy in Oak Creek, Wisconsin, at a Sikh gurdwara, it is important and timely for the Subcommittee to examine the impact of hate crimes and the threats posed by violent extremists to our nation. In this statement, SAALT provides a range of recommendations, including the creation of a national taskforce to address this issue with an area of emphasis on post-September 11<sup>th</sup> discrimination.

SAALT is a national, nonpartisan, non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT works with a base of individual members and advocates and is the coordinating entity of the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that provide direct services to, organize, and advocate on behalf of South Asians in the United States.

SAALT condemns all hate crimes, including those motivated in part or whole by bias against actual or perceived race, religion, gender, gender identity, sexual orientation, national origin, ethnicity, or disability. Sadly, since September 11<sup>th</sup>, South Asian, Sikh, Muslim, and Arab Americans have been the targets of numerous hate crimes, as well as employment discrimination, bullying, harassment, and profiling. In addition, places of worship have been vandalized and attacked. Most recently, the tragic shooting at the Sikh gurdwara in Oak Creek, Wisconsin took the lives of six people and was followed by a wave of apparent hate crimes and hate incidents around the country.

The United States was founded upon principles of inclusion, plurality, and diversity and, in the past, our government has taken active steps to protect these principles when they have been jeopardized on various occasions. Indeed, during the mid-1990s, when reports of arsons at

African American churches surfaced, then-President Clinton declared the investigation and prevention of such arsons a national priority. In short order, the National Church Arson Task Force was established to coordinate intergovernmental efforts and Congress identified funding to move these efforts forward. The leadership of our government at the highest levels was crucial to counter the crisis that emerged in the African American faith community. We are at a similar moment now and should look to past examples of intergovernmental and coordinated government responses to address hate crimes and threats posed by violent extremists.

## **IMPACT OF HATE CRIMES AND THE THREAT POSED BY VIOLENT EXTREMISTS**

Though nearly three years have passed since the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was enacted, hate crimes continue to pose a serious threat to all Americans. On August 5, 2012, this threat manifested itself in the massacre of Sikh congregants at the Sikh gurdwara in Oak Creek, Wisconsin and resulted in the death of the temple president, Satwant Singh Kaleka, three priests, Ranjit Singh, Sita Singh and Prakash Singh, and two congregants, Suveg Sing Khattrra and Paramjit Kaur.<sup>1</sup> Since this tragedy, numerous potential hate crimes have occurred, many of which have targeted particular faith groups. Islamic institutions have been vandalized,<sup>2</sup> shot at with paintballs<sup>3</sup> and a high velocity air rifle<sup>4</sup>, attacked with an acid bomb,<sup>5</sup> and suspiciously burned down<sup>6</sup>. Additionally, there have been direct attacks on individuals of particular races or faiths, such as the firebombing of a South Asian Muslim family's home in Florida.<sup>7</sup>

However, none of these are isolated incidents; they are, in fact, a part of a pervasive pattern that has threatened the safety of all Americans for many years. According to the Southern Poverty Law Center, the number of hate groups in the United States has grown by almost 70% since 2000, rising to over 1000 hate groups currently.<sup>8</sup> Hate crimes are similarly high, and yet, severely underreported. In 2010 alone, the Federal Bureau of Investigation (FBI) reported over 6,600 hate crimes in the United States<sup>9</sup> – approximately 18 hate crimes per day. Of these 6,600 hate crimes, the majority were motivated by race (approximately 47%), followed by religion

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<sup>1</sup> Dinesh Ramde, *Sikh Temple Shooting Victims: Crowd Gathers to Honor, Mourn Fallen Worshipers* (August 10, 2012) available at [http://www.huffingtonpost.com/2012/08/10/sikh-temple-victims-thousands-expected-to-honor-mourn-fallen-worshippers\\_n\\_1764056.html](http://www.huffingtonpost.com/2012/08/10/sikh-temple-victims-thousands-expected-to-honor-mourn-fallen-worshippers_n_1764056.html).

<sup>2</sup> See e.g. Michael Wang, *Four Teens Arrested for Hate Crimes Against Mosque* (August 8, 2012) available at [http://abclocal.go.com/kgo/story?section=news/local/east\\_bay&id=8767266](http://abclocal.go.com/kgo/story?section=news/local/east_bay&id=8767266); Michelle R. Smith, *RI Muslims Seek FBI, Police Help After Vandalism* (August 7, 2012) available at <http://www.sfgate.com/news/article/RI-Muslims-seek-FBI-police-help-after-vandalism-3768913.php>; Jason Kandal, *Pigs Feet Left at Planned Site of Al-Nur Islamic Center in Ontario* (August 10, 2012) available at <http://www.nbclosangeles.com/news/local/Pigs-Legs-Al-Nur-Islamic-Center-Ontario-Mosque-Site-165742226.html>.

<sup>3</sup> Matt Dinger, *Vandals Shoot Paintballs at OKC Mosque* (August 12, 2012) available at <http://newsok.com/vandals-shoot-paintballs-at-okc-mosque/article/3700402>.

<sup>4</sup> Chris Roberts, *Man Arrested for Shooting at Chicago-area Mosque* (August 12, 2012) available at [http://articles.nydailynews.com/2012-08-12/news/33171054\\_1\\_chicago-area-mosque-chief-mark-erickson-ramadan](http://articles.nydailynews.com/2012-08-12/news/33171054_1_chicago-area-mosque-chief-mark-erickson-ramadan).

<sup>5</sup> Joseph Ruzich, *'MacGyver Bomb' Thrown at Islamic School in Lombard* (August 13, 2012) available at [www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161.story](http://www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161.story).

<sup>6</sup> Associated Press, *Missouri Mosque Destroyed by Second Fire in Weeks* (August 7, 2012) available at [www.latimes.com/news/nationworld/nation/la-na-joplin-mosque-fire-20120807.0.423146.story](http://www.latimes.com/news/nationworld/nation/la-na-joplin-mosque-fire-20120807.0.423146.story).

<sup>7</sup> *Firebomb Thrown at Local Home* (August 16, 2012) available at <http://www.wjhg.com/news/headlines/Fire-Bomb-Thrown-At-Local-Home--166351446.html>.

<sup>8</sup> Southern Poverty Law Center, *Stand Strong Against Hate*, available at <http://www.splcenter.org/get-involved/stand-strong-against-hate> (last accessed September 17, 2012).

<sup>9</sup> Uniform Crime Report, *Hate Crime Statistics*, U.S. Department of Justice, Federal Bureau of Investigation (2010) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/narratives/hate-crime-2010-incidents-and-offenses.pdf>.

(approximately 20%), sexual orientation (approximately 19%), and ethnicity or national origin (approximately 13%).<sup>10</sup>

One particular area of alarm within the context of hate crimes is the post-September 11<sup>th</sup> backlash. Since September 11<sup>th</sup>, South Asian, Sikh, Muslim, and Arab Americans have endured an unprecedented backlash that has included an increase in hate crimes. In fact, within just one week of September 11<sup>th</sup>, SAALT identified 645 reported incidents of bias in these communities.<sup>11</sup> The difference in the number of all hate crimes from 2000 to 2001 was also significant, rising from 8,063 to 9,730.<sup>12</sup> The FBI also reported a 1600% increase in anti-Muslim crimes, from 28 in 2000 to 481 in 2001.<sup>13</sup> While the numbers of reported hate crimes lessened in subsequent years, from 2009 to 2010, the FBI reported an increase of almost 50% in anti-Muslim hate crimes.<sup>14</sup> It is also highly likely that hate crimes are being underreported in our communities.<sup>15</sup> A range of reasons, from language barriers to concerns about being targeted for terrorism investigations to fear of approaching law enforcement to lack of immigration status, often prevents immigrants from reporting hate crimes.

As we all know, hate crimes affect not only the individuals they directly impact, but also the communities to which they belong. The trauma that individuals and communities suffer as a result of these attacks is long-lasting, and significant resources are expended to both address these crimes and deal with their consequences.

For example, in response to the Oak Creek tragedy, numerous organizations have come together to provide assistance to the Sikh community in the form of medical services for victims and families, psychological counseling for community members, and anti-bullying resources. Clearly, the Oak Creek tragedy will have long-term consequences for the Sikh community, but it also impacts other communities. Indeed, South Asians around the United States are coming to terms with the realization that Oak Creek could happen again in another place of worship or community center, particularly given the common perception that those belonging to our communities are un-American and worthy of suspicion and attack. Community members, even when not directly affected, become fearful of expressing their religious faiths, engaging in civic institutions, and speaking out against injustice – acts of democracy that are fundamental to living in America.

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<sup>10</sup> *Id.*

<sup>11</sup> South Asian Americans Leading Together, *American Backlash: Terrorists Bring War Home in More Ways Than One* (2001) available at <http://www.saalt.org/attachments/1/American%20Backlash%20report.pdf>.

<sup>12</sup> See, Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2000) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2000>; Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2001) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2001>.

<sup>13</sup> Richard A. Serrano, *Hate Crimes Against Muslims Soar, Report Says* (November 26, 2002) available at <http://articles.latimes.com/2002/nov/26/nation/na-hate26>. See also, Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2000), available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2000>; Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2001) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2001>.

<sup>14</sup> See Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2009), available at [http://www2.fbi.gov/ucr/hc2009/data/table\\_01.html](http://www2.fbi.gov/ucr/hc2009/data/table_01.html); Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls>.

<sup>15</sup> In a 2005 study, the Bureau of Statistics noted that the actual number of hate crimes might be 15 times higher than that which is reported. Southern Poverty Law Center, *Report: FBI Hate Crime Statistics Vastly Understate Problem*, Intelligence Report, Issue No. 120 (Winter 2005) available at <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2005/winter/hate-crime>.

## IMPACT OF GOVERNMENT ACTIONS THAT FOSTERS A CLIMATE IN WHICH DISCRIMINATION AND HATE CRIMES ARE MORE LIKELY TO PERSIST

As government and politics are such powerful forces in our society, public perception is greatly influenced by the actions of government and statements of those in positions of power. Government policies such as profiling and surveillance of South Asian, Sikh, Muslim, and Arab American individuals and communities send the message to the public that individuals from these communities are a threat or danger to society.<sup>16</sup> Communities affected by racial and religious profiling may also be more hesitant to report hate crimes to law enforcement if they perceive they are being branded as suspects by the very agencies that should be charged with protecting them. Additionally, significant resources are wasted on these ineffective methods of policing, rather than focusing on those who pose real threats to the safety of our society, such as hate groups and violent extremists.

Similarly, people in positions of influence and power have great impact on public perception. When elected and public officials make racist, xenophobic, sexist, or homophobic statements, such rhetoric can shape how individuals and society as a whole view particular communities.<sup>17</sup> These statements can foster similar sentiments by society at large, perpetuating misconceptions and stereotypes. In turn, these actions can create an environment that allows for or even fuels actions motivated by hate. Furthermore, the inaction of elected and public officials in response to hate crimes or the threat posed by violent extremists can be detrimental in their own regard.

For decades, xenophobic and racist rhetoric has been targeted at African Americans and Latinos in the political sphere. More recently, South Asian, Muslim, Sikh, and Arab Americans have become the target of such rhetoric by elected and public officials, sometimes impacting actions in their local communities.

SAALT's 2010 report, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, documents the steady rise in this type of language regardless of political persuasion. For example, during the late summer of 2010, debate across the country focused on the proposed construction of the Park51 Muslim community center in Lower Manhattan.<sup>18</sup> SAALT documented at least 23 remarks made by members of Congress, governors, local officials and candidates, objecting to its construction.<sup>19</sup> Comments ranged from calling the construction insensitive<sup>20</sup> to characterizing it as an Islamic "training center"<sup>21</sup>. In the

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<sup>16</sup> For example, these perceptions are fostered by actions such as the Transportation Security Administration's profiling of these individuals in airports, the Department of Homeland Security's discriminatory practice towards these individuals, and the New York City Police Department's surveillance of local communities. See South Asian Americans Leading Together (SAALT), *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling* (March 2012) available at <http://www.saalt.org/filestore/Reports/In%20Our%20Own%20Words%20Web%20FINAL.pdf>.

<sup>17</sup> See South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse* (October 2010) available at <http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf>.

<sup>18</sup> See *id.* at Part I, p. 4-6.

<sup>19</sup> *Id.* at Part I, p. 4-6.

<sup>20</sup> *Id.* at Part I, p. 6 citing Andrea Peyser, *Mosque Madness at Ground Zero* (May 13, 2010) available at [http://www.nypost.com/p/news/national/mosque\\_madness\\_at\\_ground\\_zero\\_OQ34EB0MWS0IXuAnQau5uL](http://www.nypost.com/p/news/national/mosque_madness_at_ground_zero_OQ34EB0MWS0IXuAnQau5uL).

<sup>21</sup> *Id.* at Part I, p. 5 citing Zelenik *Issues Statement on Proposed Islamic Center* (June 24, 2010) available at <http://www.murfreesboropost.com/zelenik-issues-statement-on-proposed-islamic-center-cms-23606>.

wake of this controversy, several hate crimes occurred, including the vicious assault of a Bangladeshi taxicab driver in New York (whose attacker was a passenger who asked if the driver was a Muslim)<sup>22</sup> and an attack on a turbaned Sikh convenience store clerk in the state of Washington (who was punched after being called “al-Qaeda”)<sup>23</sup>. Mosques in California, Connecticut, Illinois, Michigan and New York were vandalized<sup>24</sup> and Quran burnings were planned in Florida and elsewhere in the country<sup>25</sup>. Sadly, this pattern of anti-Muslim discourse still exists today and at times, is in disturbingly close proximity to potential hate crimes.<sup>26</sup>

The words and actions of government and elected and public officials can create a climate in which hate crimes and the threat posed by violent extremists are not only tolerated but also emboldened. It is the responsibility of government and its officials to protect the safety of our country and its people by engaging in actions that further the fundamental values of pluralism, diversity, and equality upon which our country was founded.

## RECOMMENDATIONS

Clearly, hate crimes and the threat of violent extremists affect a large swath of individuals in our country. It is imperative at this moment that policymakers take strong measures to document, investigate, prosecute, and prevent hate crimes. Specifically, SAALT recommends that (1) a national taskforce to address hate crimes and the threats posed by violent extremists be established with an area of focus on post-September 11<sup>th</sup> discrimination; (2) existing hate crime

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<sup>22</sup> Tom Hays, *Michael Enright Charged with Hate Crime: Ahmed Sharif, Muslim Cab Driver, Attacked for Religion* (August 25, 2010) available at [http://www.huffingtonpost.com/2010/08/25/michael-enright-stabbed-c\\_n\\_694285.html](http://www.huffingtonpost.com/2010/08/25/michael-enright-stabbed-c_n_694285.html).

<sup>23</sup> *Man Charged with Hate Crime After Hitting 7-11 Clerk for Wearing a Turban* (September 1, 2010) available at <http://entertainment.wagerweb.com/wtf/man-charged-with-hate-crime-after-hitting-7-11-clerk-for-wearing-a-turban-25275.html>.

<sup>24</sup> South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, Part I, p. 4 (October 2010) available at <http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf> citing Mike Magnoli, *Car Burned At Islamic Center* (September 21, 2010) available at <http://www.katc.com/news/car-burned-at-islamic-center/> and USA Today, *Arson Reported at Tennessee Mosque Construction Site* (August 29, 2010) available at [http://www.usatoday.com/news/religion/2010-08-29-arson28\\_ST\\_N.htm](http://www.usatoday.com/news/religion/2010-08-29-arson28_ST_N.htm). See also, American Civil Liberties Union, *Map – Nationwide Anti-Mosque Activity* available at <http://www.aclu.org/maps/map-nationwide-anti-mosque-activity>.

<sup>25</sup> South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, Part I, p. 4 (October 2010) available at <http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf> citing Brent Begin, *Burnt Quran Found Outside Tenderloin Mosque* (September 18, 2010) available at <http://www.sfoxaminer.com/local/Burnt-Quran-found-outside-Tenderloinmosque-103213924.html>, Chicago Tribune, *Burnt Copy of Quran Found Outside Muslim Community Center* (September 14, 2010) available at <http://www.chicagotribune.com/news/local/ct-metburnt-quran-0915-20100914.0.1630281.story>, The Star-Ledger Continuous News Desk, *Bloomington Man Is Fired from NJ Transit Job for Burning Quran Near Ground Zero* (September 15, 2010) available at [http://www.nj.com/news/index.ssf/2010/09/bloomington\\_man\\_fired\\_by\\_nj\\_t.html](http://www.nj.com/news/index.ssf/2010/09/bloomington_man_fired_by_nj_t.html), Steve Pardo, *Quran Burned in East Lansing* (September 13, 2010) available at <http://www.detnews.com/article/20100913/METRO/9130336/Quran-burned-in-East-Lansing#ixzzOzSjwfPcL>.

<sup>26</sup> For example, Illinois Congressman Joe Walsh recently remarked that “radical” Muslims were “trying to kill Americans every week.” Bernie Tafoya, *Representative Walsh’s Comments Infuriate Muslims* (August 10, 2012) available at <http://chicago.cbslocal.com/2012/08/10/rep-walshs-comments-infuriate-muslims/>. Soon after these comments were made, a man shot a high velocity air rifle at a Muslim community center, an acid bomb was thrown at an Islamic school, and on two separate occasions, anti-Muslim hate graffiti was sprayed on gravestones at a cemetery hosting approximately 500 Muslim graves. Christine Roberts, *Man Arrested for Shooting at Chicago-area Mosque*, (August 12, 2012) available at [http://articles.nydailynews.com/2012-08-12/news/33171054\\_1\\_chicago-area-mosque-chief-mark-erickson-ramadan](http://articles.nydailynews.com/2012-08-12/news/33171054_1_chicago-area-mosque-chief-mark-erickson-ramadan); Joseph Ruzich, *‘MacGyver Bomb’ Thrown at Islamic School in Lombard* (August 13, 2012) available at <http://www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161.story>; *Hate Graffiti Found on Muslim Grave in Illinois* (August 17, 2012) available at <http://www.nbcchicago.com/news/local/Hate-Graffiti-Muslim-Graves-Evergreen-Park-Illinois-166522676.html>; Dan Lambert, *Grave Defaced with Anti-Islamic Writing for Second Time This Month* (September 1, 2012) available at <http://evergreenpark.patch.com/articles/grave-defaced-with-anti-islamic-writing-for-second-time-this-month>.



legislation be rigorously enforced; (3) categorization, reporting, and disaggregation mechanisms be expanded and improved; (4) adequate funding be provided to government agencies addressing this problem; (5) policies ending profiling be put in place; and (6) elected and public officials pledge to refrain from divisive rhetoric and restore civility to political discourse.

### **1. Establish a National Taskforce to Coordinate Intergovernmental Responses Related to Investigations, Tracking, Outreach, and Healing with an Emphasis on Post-September 11<sup>th</sup> Backlash**

As history has proven, the highest levels of government can be very effective in setting a framework to prevent hate crimes and the existence of violent extremists. For example, in the mid-1990s, there were numerous attacks on African American churches primarily in the South, including actual and attempted arsons and bombings.<sup>27</sup> President Clinton declared the issue a national priority and directed the Administration to investigate and prosecute perpetrators, assist communities in rebuilding houses of worship, and assist with preventative measures for the future.<sup>28</sup> The impact of these efforts was invaluable and within four years, the number of attacks on African American churches dropped by 53%.<sup>29</sup>

Similarly, a comprehensive response from various government agencies at federal and local levels can make a meaningful difference in addressing hate crimes and the threat posed by violent extremists. This response should include a taskforce explicitly given the mission of coordinating agencies, building relationships and partnerships with community-based organizations, and tracking and reporting benchmarks. Such a national coordinated taskforce can greatly complement and further the implementation of anti-hate crime legislation at federal and state levels. This taskforce must receive adequate funding from Congress and the backing of the Administration at the highest levels and be required to provide annual reports to the President and Congress.

SAALT recommends that one of the primary focus areas of such a national taskforce be to address the ongoing post-September 11<sup>th</sup> backlash that is partially outlined in this statement. This can be accomplished through a series of steps, beginning with a White House Summit on faith-based hate crimes. A summit, which can serve as a launch pad in establishing the framework for the taskforce, could develop best practices for stakeholders addressing this issue by engaging community members, religious leaders, and government officials in a productive discourse on the impact of such hate crimes on individuals and communities.

Additionally, the existing Initiative to Combat Post-9/11 Discriminatory Backlash within the Civil Rights Division is a vehicle that could be strengthened and utilized more effectively. The Department of Justice should formalize the Initiative by designating a Special Counsel for Post-9/11 Discrimination and a Special Counsel for Religious Discrimination. The Initiative should be responsible for bringing federal agencies and community-based organizations together to proactively identify best practices that have been helpful over the past ten years and that other

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<sup>27</sup> National Church Arson Task Force Issues Fourth Report, *Number of Arson's at America's Houses of Worship Continues to Decline* (September 15, 2000) available at <http://www.justice.gov/opa/pr/2000/September/542cr.htm>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

jurisdictions may want to integrate. A national effort to address hate crimes and the threat posed by violent extremists would not be truly comprehensive or reflect the realities facing our country if post-September 11<sup>th</sup> backlash were not meaningfully addressed.

Finally, Congress should urge the Department of Homeland Security to release its previously retracted 2009 report on right wing extremist groups so that this national taskforce may effectively and efficiently work towards creating a safer environment for all Americans.

## **2. Rigorously Enforce Hate Crime Legislation**

Nearly three years ago, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) was enacted, strengthening existing legal protections for the safety of all Americans. The HCPA encouraged partnerships between federal and state law enforcement officials in order to more effectively address hate violence and allowed for federal investigations and prosecutions in limited situations, when local authorities may be unwilling or unable to act. This legislation must now be rigorously enforced through the following actions by the Department of Justice: (1) filing appropriate cases under the HCPA; and (2) ensuring continued education, outreach, and training to federal, state, and local law enforcement officials on the HCPA and its authority, including the importance of obtaining data regarding the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, national origin, ethnicity, or disability. To this end, law enforcement must also receive cultural and religious competency and educational trainings so that they may better understand the challenges that certain communities face when reporting incidents to law enforcement and remain sensitive to the experiences of South Asian, Sikh, Muslim, and Arab Americans since September 11<sup>th</sup> when obtaining this information.

## **3. Expand and Improve Categorization, Reporting, and Disaggregation Mechanisms**

The Department of Justice should promote mandatory, comprehensive participation in the existing hate crimes reporting guidelines. Currently, law enforcement is not required to report hate crimes to federal agencies because such reporting is voluntary under the law. This voluntary reporting leads to inaccurate statistics and also underestimates the existing problem of hate crimes and the threat posed by violent extremists. In order to effectively address these issues and protect the safety of all Americans against hate violence, there must be mandatory reporting to allow for a thorough assessment of the problem.

Additionally, the FBI should expand and improve reporting and the documentation of hate crimes against affected communities not yet covered by developing new categories on the hate crimes incidents report forms. Not only are these categories necessary to understanding the root of hate crimes and preventative measures, but they also serve to build relationships with specific communities and thereby encourage reporting.

By tracking and categorizing certain types of hate crimes by race and religion, the government sends an important message to potential victims and offenders. Currently, anti-religion hate crimes are independently assessed only if they occur against Jews, Muslims, Catholics and

Protestants, while other religions are grouped together with minimal distinction.<sup>30</sup> Given the recent tragedy in Oak Creek, Wisconsin, the importance of disaggregating hate crimes in the Sikh community cannot be underestimated in the current national climate. SAALT urges that anti-Sikh, anti-Hindu, and anti-Arab hate crimes be categorized and tracked as this disaggregation is important to protecting the safety of all Americans. In addition, we encourage the FBI to disaggregate the hate crimes reported under the Asian/Pacific Islander category by specific Asian ethnic groups, as such information would be extremely helpful given the tremendous diversity within the Asian American, Native Hawaiian, and Pacific Islander communities.

#### **4. Allocate Adequate Funding to Government Agencies**

In order to efficiently address the problem of hate crimes and the threat of violent extremists, adequate resources must be provided to government agencies charged with this mission. Congress should establish or increase appropriations for: (1) prevention, education, and training initiatives for law enforcement regarding existing hate crimes policies and their requirements; (2) anti-bias education initiatives; (3) government agencies specifically devoted to addressing and investigating hate crimes, hate groups, violent extremists, and healing community tensions (such as the Department of Justice's Community Relations Service); and, (4) government resources centered on youth affected by bias and hatred, such as online portals and websites.

#### **5. Establish Policies that Prevent Profiling and Targeting of Individuals**

The climate of discrimination facing South Asian, Sikh, Muslim, and Arab American communities since September 11, 2001 could be greatly improved if Congress enacts robust anti-profiling policies, such as the *End Racial Profiling Act* (S. 1670; H.R. 3618), which (1) prohibits profiling based on race, religion, ethnicity, or national origin by federal, state, and local law enforcement; (2) establishes requirements for law enforcement data collection; (3) provides anti-profiling trainings; (4) develops a complaint mechanism for affected individuals; (5) allows the Department of Justice to withhold grants to entities that fail to comply with the law and provides funding to those who seek to eliminate profiling; and, (6) allows affected individuals to seek redress in the court system.

Additionally, the Department of Justice should amend its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to (1) prohibit profiling based on religion and national origin; (2) remove national and boarder security loopholes; (3) include law enforcement surveillance activities; (4) apply to state and local law enforcement agencies working in partnership with federal agencies or receiving federal funds; and, (5) create provisions for enforceability.

#### **6. Pledge to Engage in Civil Discourse and to Condemn Divisive Rhetoric**

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<sup>30</sup> See, Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls> (disaggregating Jews, Catholics, Protestants, and Muslims and grouping all others into "other religion," "multiple religions, group" and "atheism/agnosticism/etc.").



The actions and rhetoric of government agencies and elected public officials have a significant influence on how members of the general public view minority communities. In order to foster a climate of plurality and inclusion, elected and public officials must refrain from making statements rooted in racism, xenophobia, homophobia, sexism, or religious intolerance. Such officials should take a pledge to not engage in such rhetoric as well as to condemn such statements when they take place in the public sphere. A return to civility in our political discourse will lead to greater unity and respect in both the political sphere and our national climate as a whole.

## CONCLUSION

SAALT is heartened by the Subcommittee's leadership in holding this hearing and we are grateful for the opportunity to present our concerns on the heightened danger faced by all Americans as a result of hate crimes and the threat posed by violent extremists. We urge the Subcommittee to incorporate the recommendations we have included here, specifically:

- Establishment of a National Taskforce to Coordinate Intergovernmental Responses with an Emphasis on post-September 11<sup>th</sup> Backlash
- Rigorous Enforcement of Existing Hate Crimes Legislation
- Expansion and Improvement of Categorization, Reporting, and Disaggregation Mechanisms Related to Hate Crimes
- Allocation of Adequate Funding to Government Agencies
- Establishment of Policies that End Profiling
- Pledge to Engage in Civil Discourse and to Condemn Divisive Rhetoric

Together, we can ensure that our country remains true to its fundamental principles of plurality, inclusion and respect. Thank you for the opportunity to submit this statement for the record.

*For further information about the impact of hate crimes and threat of domestic terrorism as it relates to the South Asian community, please contact Manar Waheed, SAALT's Policy Director at [manar@saalt.org](mailto:manar@saalt.org) or (301) 270-1855.*