

April 22, 2021

VOTE “YES” ON S. 937, THE COVID-19 HATE CRIMES ACT, AS AMENDED BY THE HIRONO-COLLINS-BLUMENTHAL-WARNOCK SUBSTITUTE

Dear Senators,

On behalf of the American Civil Liberties Union (ACLU), and our more than 8 million members, supporters, and activists, we write to express our support for S. 937 (COVID-19 Hate Crimes Act) as amended by the Hirono-Collins-Blumenthal-Warnock substitute to include the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act (Jabara-Heyer NO HATE Act).

This bill would call for an accounting of hate crimes during COVID-19, enhance hate crime data collection, and provide community-centered solutions to assist hate crimes victims and their communities. No appropriations are needed for this bill as existing funds can be reappropriated. With the escalation of hate crimes over the last several years and the alarming rise in attacks against Asian Americans, it is critical that Congress move this bill forward for the safety and well-being of communities.

We urge you to vote “YES” on the COVID-19 Hate Crimes Act, as amended by the Hirono-Collins-Blumenthal-Warnock substitute. The ACLU will score this vote.

The COVID-19 Hate Crimes Act as amended would conduct an assessment of hate crimes during COVID-19, create an online reporting system with disaggregated data, and enhance awareness of the alarming rise in hate crimes. Additionally, by including the Jabara-Heyer NO HATE Act, the bill would strengthen hate crimes reporting by state and local law enforcement and provide community-centered solutions.

The Jabara-Heyer NO HATE Act is named after two individuals who were tragically killed exactly one year apart. Khalid Jabara was killed at the hands of someone with a long history of harassment and attacks against him and his family in Tulsa, Oklahoma,¹ and Heather Heyer during the white supremacist violence in Charlottesville, Virginia.² Though both their deaths were prosecuted as hate crimes, neither was reported in the federal hate crimes statistics.³ Like these



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Deborah N. Archer
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Anthony D. Romero
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¹ Susan Bro and Haifa Jabara, *Hate Crimes are Slipping Through the Cracks* (Aug. 12, 2019) available at <https://www.nytimes.com/2019/08/12/opinion/hate-crime-statistics-heather-heyer.html>.

² *Id.*

³ *Id.*

tragedies, many hate crimes are not counted in Federal Bureau of Investigations (FBI) statistics due to flaws in the reporting system and data collection.

Accurate hate crimes data is critical to the recognition that people and their loved ones deserve as well as to addressing this escalating problem. Without understanding the scope and impact of attacks on people based upon their identities and protected characteristics, Congress cannot begin to address or prevent this harm. The FBI collects and publishes hate crimes data based upon information shared by local law enforcement agencies.⁴ As law enforcement reporting is not mandatory, the data is severely underreported, as indicated by other government data.⁵ Furthermore, communities are in need of support and assistance to address the repercussions of the attacks. The Jabara-Heyer NO HATE Act would enhance federal hate crimes reporting by strengthening state and local authorities hate crimes policies and data collection practices. Furthermore, this bill provides resources to address these acts of violence by creating state-run hotlines, opportunities to address the causes of this violence, and resources for impacted individuals.

At a time when hate crimes are rapidly escalating and white supremacist violence is on the rise, the COVID-19 Hate Crimes Act serves as a productive tool to enhance safety. The ACLU strongly urges you to vote “YES” on S. 937 as amended by the Hirono-Collins-Blumenthal-Warnock substitute.

Please free to contact Manar Waheed (mwaheed@aclu.org) with any questions.

Sincerely,



Ronald Newman
National Political Director



Manar Waheed
Senior Legislative and Advocacy Counsel

⁴ Ken Schwencke, *Why American Fails at Gathering Hate Crimes Statistics* (Dec. 4, 2017) available at <https://www.propublica.org/article/why-america-fails-at-gathering-hate-crime-statistics>.

⁵ J. Richard Cohen, *The FBI has no idea how many hate crimes happen in America each year* (June 19, 2015) available at <https://www.washingtonpost.com/posteverything/wp/2015/06/19/there-are-260000-hate-crimes-in-america-each-year-why-does-the-fbi-think-there-are-only-6000/>.