Statement for the Record
On behalf of
The American-Arab Anti-Discrimination Committee (ADC)
Before
U.S. Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights and Human Rights

I. Introduction

The American-Arab Anti-Discrimination Committee (ADC) is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. ADC, which is non-profit, non-sectarian and non-partisan, is the largest Arab-American grassroots civil rights organization in the U.S. It was founded in 1980 by former United States Senator James Abourezk and has members nationwide.

ADC commends the Senate Judiciary Committee for holding today’s hearing on hate crimes and domestic extremism. Hate crimes and domestic extremism are antithetical to the core American values of freedom and tolerance. Our nation thrives on the contributions of all its citizens, and when the pluralism that fosters these contributions is threatened by hatred and violence against any group, our society as a whole suffers the repercussions.

ADC hopes that the Committee’s leadership in bringing the matters of hate crimes and domestic extremism to the forefront for discussion will result in stronger measures to protect against these dangers.

II. Impact of Hate Crimes and Domestic Extremism on Arab American and Muslim American Communities and on American Society at Large

Arab Americans and Muslim Americans have been subject to bigotry and discrimination for decades. These communities experienced a swift escalation of hatred immediately after the September 11, 2001 terrorist attacks. As a grassroots civil rights organization offering pro bono legal services, ADC is among one of the first places to which victims of hate crimes come for assistance.
The experience of addressing these cases directly places ADC in the relatively unique position of engaging firsthand with developments on the ground. ADC has recorded many of the incidents in a series of hate crimes reports. The three main reports, *Hate Crimes Report 1998-2000*, *Hate Crimes Report 2001-2002*, and *Hate Crimes Report 2003-2007* can be found on the ADC website ([www.adc.org](http://www.adc.org)). The *2010 ADC Legal Report* also contains hate crimes information. These reports offer general statistics and detailed facts of the many hate crimes complaints ADC has received over the years. ADC continues to receive hate crimes complaints from members of the Arab American and Muslim American communities.

Although ADC's work is focused on its constituent communities, and therefore the hate crimes directed at them, it is with disheartenment that we recognize the problem to be more widespread. No group is immune. Indeed, as with Arab Americans and Muslim Americans, some groups are consistently targeted, such as the Jewish American, Southeast Asian American, Chicano/Latino, and LGBT communities. ADC has in the past and continues to work in coalition with other communities to confront the problem of hate crimes.

The use of the term “communities” in this context is purposeful. When an act of violence is perpetrated against an individual because of some element of that individual’s identity, it is not an isolated incident, but a blow that sends shockwaves throughout the person's community. Mixed feelings of shock, fear, and resentment ensue. Members of the community may feel exposed and vulnerable, and may curtail, for example, their exercise of free speech or religious freedom as a means of shielding themselves from harm. Hate crimes therefore threaten the very essence of American life.

### III. Impact of Government Actions and Election Discourse

Hatred can come from many sources, such as training material used by law enforcement agencies, including the FBI and the Department of Defense. Over the course of the past few years the use of hate speech and bigoted political rhetoric has drastically increased amongst politicians, including political candidates. The use of such rhetoric by these individuals has been
a driving force in perpetrating negative stereotypes of Arab and Muslim Americans. Below are illustrations of government sources that produce hate speech and hate crimes.

1. One source is how our society’s leaders act and speak in relation to various communities.
2. Politicians and government officials have a solemn duty to uphold the principles of equality and freedom by being fair and honest in their discourse about communities.
3. Illustrated commitment to tackle hate crimes, such as the final passage of the Matthew Shepard and James Byrd Hate Crimes Prevention Act in 2009 and the Justice Department’s unwavering efforts in collaborating with ADC and others in addressing hate crimes concerns speaks volumes. It tells targeted communities that their government stands firmly with them on the side of equality. And it tells those who would act criminally out of hatred for certain peoples that their misguided assaults on the fabric of American society will not be tolerated.
4. By contrast, actions or words by members in government that negatively, and often with no proper basis, single out communities have the opposite effect. They instill fear and a sense of uncertainty among those in the communities targeted, and invite others who are ignorant of these communities to harbor suspicion and resentment against them. Arab Americans and Muslim Americans have seen these effects pronounced as a result of the government’s sanctioning of racial profiling and insidious law enforcement surveillance, themselves measure based on the false premise of collective guilt.
5. Furthermore, perhaps most striking is the impact of the shameful political rhetoric designed to garner more support for the speaker among decidedly racist, xenophobic, bigoted listeners by attacking what many are all too ready to believe are their common enemy. It is in the opinion of ADC that the coinciding of hateful language by politicians with deadly hate crimes this summer was no coincidence. The following illustrate examples of political candidates’ negative statements regarding Arab and Muslim Americans:
a. Presidential candidate, Mitt Romney, stated “as you come here and see the GDP per capita for instance in Israel which is about $21,000 and you compare that with the GDP per capita just across the areas managed by the Palestinian Authority which is more like $10,000 per capita, you notice a dramatic, stark difference in economic vitality. If you could learn anything from the economic history of the world it’s this: culture makes all the difference...”

b. Congresswoman Michele Bachmann, who failed in her bid to be the Republican presidential nominee, alleged that State Department Deputy Chief of Staff Huma Abedin has ties to the Muslim Brotherhood.

c. Newt Gingrich, another Romney aide, during his failed bid for the Republican nomination, made a simplistic and strange assertion that the Palestinians are an “invented people.”

d. Gabriela Saucedo Mercer, a Republican congressional candidate from Arizona, stated about “Middle Easterners” that “their only goal in life is to cast harm to the United States,” and continued to question the presence of “Middle Easterners” in the US by asking, “Why do we want them here, either legally or illegally.”

e. U.S. Representative Joe Walsh, in response to a question from the audience, asserted that Muslims are “trying to kill Americans every week.” He continued “Its here,” referring to “radical Islam” in the suburbs of Chicago.

IV. Policy Recommendations

ADC has adopted the South Asian American Leading Together’s (SAALT) policy recommendations. ADC suggests the Senate Judiciary Committee take into consideration the following:

1. History has shown us the past efforts led by the highest levels of government have been pivotal setting a framework to combat hate crimes and domestic extremism.
Following the large number of attacks on African American churches in the mid-1990s (arsons, bombings, and attempted arsons and bombings), President Clinton declared the issue a national priority and directed the Administration to investigate and prosecute perpetrators; help communities rebuild houses of worship; and offer assistance in preventing additional attacks. In addition, a taskforce was established to address this very issue. These effects of the efforts were invaluable, yielding a 53% drop in attacks against such places of worship between 1996 and 1999.

2. We are now at a similar moment in history and given the grave threat currently posed by hate crimes, hate groups, and domestic extremism to minority communities and all Americans, it is imperative that policymakers take strong measures to prevent, document, investigate, and combat them.

3. Specifically, existing hate crimes legislation must be rigorously enforced; data collection, categorization, reporting, and disaggregation mechanisms must be improved; adequate funding must be provided to government agencies charged with developing initiatives addressing the issue; formalized interagency efforts and positions within government on the issue must be established; and actions and rhetoric by government agencies and public officials that further an environment where bias can occur must be curbed.

Below are policy recommendations that Congress, the White House, and government agencies should undertake:

1. Ensure robust and comprehensive implementation of the Matthew Shepherd and James Byrd, Jr. Hate Crimes Prevention Act (HCPA): Enacted in 2009, this law encourages partnerships between federal and state law enforcement officials to more effectively address hate violence and provides limited authority for federal investigations and prosecutions when local authorities are unwilling or unable to act. To ensure robust enforcement, DOJ should file appropriate cases under HCPA; vigorously defend the constitutionality of the Act; and ensure continued education,
outreach, and training to federal, state, and local law enforcement officials on HCPA and its requirements.

2. Improve federal hate crime data collection, disaggregation, categorization, and reporting efforts: DOJ should promote mandatory comprehensive participation in existing hate crimes reporting requirements and the FBI should improve hate crime incident reporting by developing new categories on hate crime incident report forms for various affected communities not yet covered (including anti-Arab, anti-Sikh, and anti-Hindu incidents).

3. Allocate and prioritize federal funding for initiatives that prevent, investigate, and combat hate crimes, hate groups, and domestic extremism: Congress should establish or increase appropriations for: prevention, education, and training initiatives for law enforcement around existing hate crimes policies and their requirements; anti-bias education initiatives; existing government agencies specifically devoted to addressing and investigating hate crimes, hate groups, domestic extremism, and community tensions; and government resources, such as online portals and websites, geared specifically towards youth affected by bias and hatred. In addition, Congress should urge DHS to release its previously retracted 2009 public on right-wing extremist groups.

4. Establish formalized interagency efforts and positions at the highest levels of government, in partnership with community stakeholders, to address hate crimes: The White House should convene a Presidential summit on hate crimes affecting religious minorities that engages community members, religious leaders, and federal government officials with the purpose of developing best practices for stakeholders addressing this issue, similar to what was instituted by President Clinton on race in the 1990s. The White House should also establish an interagency taskforce on hate crimes and domestic extremism, similar to what was established by President Clinton following the church arsons of the 1990s. DOJ should also formalize the Initiative to Combat Post-9/11 Discriminatory Backlash within the DOJ Civil Rights Division by designating a Special Counsel for Post-9/11 Discrimination and a Special Counsel for Religious Discrimination.
5. Curb actions and discourse by government agencies and public officials that often promote a climate where hate crimes can occur: Congress should pass robust anti-profiling policies, such as the *End Racial Profiling Act* (S. 1670; H.R. 3618) which prohibits profiling based on race, religion, ethnicity, or national origin by federal, state and local law enforcement; establishes requirements for law enforcement to collect data, provide anti-profiling trainings, develop a complaint mechanism for affected individuals; allow DOJ to withhold grants to entities that fail to comply with the law and provide funding to those seeking to eliminate the practice; and allow affected individuals to seek redress in court. DOJ should also amend its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to apply to profiling based on religion and national origin, remove national and border security loopholes, cover law enforcement surveillance activities, apply to state and local law enforcement agencies acting in partnership with federal agencies or receiving federal funds, and make the guidance enforceable. Public officials should refrain making statements based on racism, xenophobia, homophobia, sexism, or religious intolerance. Public officials should also take a pledge to not engage in such rhetoric as well as condemn such statements when they do occur in the public sphere.

ADC encourages the United States government to give this important issue affecting marginalized communities proper attention. The danger the Arab American, as well as other minority communities face, is an ever-present danger that has severely affected the lives of those in the United States. ADC is fully committed to supporting the marginalized communities in all aspects until just policies are implemented.

*Date of Submission: September 18, 2012*