Background

According to the FBI’s annual report, Hate Crime Statistics, American communities have experienced a surge of bias-motivated violence in recent years, with 2016 data indicating the first consecutive annual increase of reported hate crime incidents since 2004.\(^1\) Hate crimes against Arab Americans and American Muslims, along with other historically targeted communities, have contributed to this reported increase. In 2016, reported anti-Arab hate crime incidents rose some 38 percent, with hate crimes targeting American Muslims climbing nearly 20 percent after a 67 percent spike in 2015.\(^2\) Across the board, state-level hate crime statistics, reporting from civil rights and advocacy organizations, and media accounts suggest an even greater escalation than what is reported in federal data.

Historically, anti-Arab and anti-Muslim hate crimes have intensified in the wake of developments in the Middle East or incidents of terrorism. This “backlash” effect dates back to the late 1960s and early 1970s, but was most devastating in the aftermath of 9/11. In the weeks following this national tragedy, hate crimes targeting communities perceived to be Arab or Muslim, including Sikh Americans, were reported in record numbers. The nature of political rhetoric is crucial in such moments of national crisis, and while a series of injudicious policies advanced in the wake of 9/11 continue to excessively target certain communities, the effort to curtail bigoted or otherwise inflammatory discourse during this period likely tempered the surge of reactive violence.

This same backlash effect continues to impact communities in the United States today, but is met without sufficient government accountability or response. According to FBI data, a disproportionate number of anti-Arab and anti-Muslim hate crimes reported in 2015 occurred after the November 13 attacks in Paris. After the December 2015 shooting in San Bernardino, CA, then-candidate Donald Trump called for a “complete and total shutdown”—a ban—on Muslims entering the United States.\(^3\) Such declarations only provoked the groundswell of anti-Muslim bigotry and xenophobia that animated the remainder of his candidacy, and crashed upon his election as president, when hate crimes across the country, targeting not only Arab Americans, American Muslims, and South Asian Americans, but others subject to his campaign invectives as well, surged once again.\(^4\)

Indeed, the Trump Administration has demonstrated that caustic political rhetoric has done nothing to mitigate the spread of hate crimes in American communities and, if anything, has driven some to violence. While acts of bias-motivated crime continue to surge, and as reports from organizations like the Southern Poverty Law Center (SPLC) suggest an increase of hate groups across the country, our government fails to effectively respond.\(^5\) This lack of accountability was evident in the President’s reluctance to denounce white supremacist and neo-Nazi groups responsible for the violence in Charlottesville, VA, on August 12, 2017, which left one person dead and dozens wounded.

The Problem

Hate crime is a local, state, and national issue affecting diverse communities across the country. Arab Americans and American Muslims face a specific set of threats when it comes to bias-motivated violence, as anti-Arab and anti-Muslim hate crimes often surge in response to developments in the Middle East or incidents of terrorism. Damaging political rhetoric, particularly on the part of elected officials, also contributes to anti-Arab and anti-Muslim sentiment, fostering widespread hostility and the potential for violence. Another factor is a well-funded, interlaced network of analysts and activists, so-called “misinformation experts,”\(^6\) who contaminate public discourse, foment bigotry, and promote discriminatory policies on the basis of fraudulent research. Today, this network of monetized hate has only deepened, as its leading members enjoy newfound influence within the Trump Administration.
FBI statistics demonstrate a nationwide increase of bias-motivated violence in recent years, with reported hate crime incidents rising over 10 percent from 2014 to 2016. Hate crimes against Arab Americans and American Muslims represent a considerable portion of this recent surge. While federal data indicate a marked escalation of hate crimes targeting various communities, state-level hate crime statistics, data from the Bureau of Justice Statistics, reporting from civil rights and advocacy organizations, and media accounts suggest even more significant annual totals than are recorded in the FBI’s annual report, *Hate Crime Statistics*.

In accordance with the Hate Crime Statistics Act (HCSA) of 1990, the FBI collects hate crime data in order to isolate trends and prevent future escalations of bias-motivated violence while providing adequate resources to assist impacted communities. As shown in state-level statistics, independent data collections, and research from the Arab American Institute Foundation, FBI data do not accurately reflect the true nature and extent of hate crime in American communities. This undercount is significant in that deficient statistics preclude a sufficient response, leaving policymakers, advocates, and communities ill-prepared to address the issues at hand.

An effective response to hate crime requires accurate statistics, which are not attainable without comprehensive hate crime reporting and data collection reform. A significant potential for improvement rests at the state level, where lawmakers should pass legislation requiring hate crime reporting, data collection, and specific law enforcement training, while strengthening criminal statutes with more inclusive protections for hate crime victims. Currently, only 23 states have statutes that require law enforcement agencies to report hate crimes, collect data, and publish annual statistics. Only 15 states have statutes that require mandatory instruction relating to investigating and reporting hate crime incidents for law enforcement certification.

While law enforcement agencies in 49 states submit hate crime data to the FBI, and 38 states publish hate crime statistics in their own annual reports, the lack of state-level requirements for reporting, data collection, and law enforcement training contribute to systemic underreporting. Compounding this issue is the failure of state legislatures to enact sufficient protections for hate crime victims. Only 14 states have inclusive hate crime statutes, offering protections for race, ethnicity or ancestry, religion, sexual orientation, disability, gender, and gender identity. Additional factors contribute to systemic underreporting in our nation’s hate crime statistics, including strained relationships between communities and police. Many Americans are reluctant to interact directly with law enforcement, even when they are the victims of hate crime. This reluctance is often felt among Arab Americans, American Muslims, and other unjustly securitized communities.

Mandatory hate crime training for law enforcement certification, along with other initiatives to promote transparency within the criminal justice system, will facilitate reform.

**Key Recommendations**

1. **At the local level, law enforcement agencies must:**
   - Provide mandatory training and instruction relating to investigating and reporting hate crime incidents;
   - Transition to the National Incident-Based Reporting System (NIBRS) for hate crime data collection. The FBI will retire the traditional Summary Reporting System (SRS) in 2021;
   - Promote transparency with local communities through the provision of open hate crime data.

2. **At the state level, state legislatures must enact legislation requiring hate crime reporting, data collection, and specific law enforcement training, in addition to criminal statutes that offer inclusive protections for hate crime victims.

3. **At the national level, Congress must reaffirm its commitment to fighting bigotry and counteracting bias-motivated violence in American communities:**
Congress should pass the NO HATE Act, which authorizes federal assistance for local and state efforts to prevent hate crimes, and creates a civil cause of action for hate crime victims;

Relevant congressional committees should review the FBI Hate Crime Statistics Program in relation to the systemic flaws identified in this issue brief and our forthcoming report.


6 Matthew Duss et al., Fear, Inc. 2.0: The Islamophobia Network’s Efforts to Manufacture Hate in America, Center for American Progress (Feb. 11, 2015), available at https://www.americanprogress.org/issues/religion/reports/2015/02/11/106394/fear-inc-2-0.


