

Congress of the United States
Washington, DC 20510

September 20, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

We write regarding the implementation of P.L. 117-13, the COVID-19 Hate Crimes Act. The enactment of this law was a historic step to fight the surge of hate-based violence during the pandemic and we appreciate your work to begin implementation of the law. As the sponsors of this legislation in the U.S. Senate and the U.S. House of Representatives, we would like to raise specific aspects of this law that are critical to its effectiveness. We request your attention to these matters and periodic updates on your progress as you continue to implement the COVID-19 Hate Crimes Act and work to reduce the violence from xenophobia and hate in our country.

Since the beginning of the pandemic, hate crime incidents against Asian and Pacific Islanders surged in the United States. In the early months of 2021, there was also increased violence reported against Asian seniors. This was followed by the shootings in Atlanta, Georgia, where a shooter murdered eight people, six of whom were Asian women. These crimes against people of Asian descent helped galvanize support for the passage of the COVID-19 Hate Crimes Act. Yet, the expedited review called for in this law was intentionally crafted to apply to all hate crimes occurring during the COVID-19 pandemic, regardless of which protected characteristic was being targeted. In May, a wave of anti-Semitic attacks occurred in person and online following an outbreak in violence between Israel and Hamas. Additionally, in 2020, at least 44 transgender or gender non-conforming people were killed, some as the result of anti-transgender bias. For purposes of the COVID-19 Hate Crimes Act, crimes against people from all of these groups should be included in the Department of Justice's (DOJ) review.

In addition to expediting review of hate crimes, the law requires DOJ to issue guidance to state, local, and tribal law enforcement agencies. Specifically, section 4(a)(1) calls for guidance on how to establish online reporting for hate crimes, as well as incidents. The inclusion of incidents was intentional and is a critical component for any reporting system. Many acts of discrimination do not rise to the level of a hate crime. From March 2020 through June 2021, one organization received reports of more than 9,000 incidents against Asians and Pacific Islanders. Two-thirds of the incidents were verbal harassment; and shunning made up the next largest category. While these actions are unlikely to rise to the level of a hate crime, the impetus for these actions are the

same—fear and xenophobia. In order to meaningfully address the root causes of this bias and hostility, we need a clear and full picture of the scope of the problem. Data on hate crimes alone is insufficient.

Lastly, the expansion of public education campaigns aimed at raising awareness of hate crimes and reaching victims should be linguistically appropriate. In order to reach victims and empower them to come forward and report what happened to them, campaign material must be culturally sensitive and available in different languages. Ignoring these factors will only ensure that some victims will never be reached.

Last month, the Federal Bureau of Investigation (FBI) released the hate crime statistics for 2020. Hate crimes have risen to the highest level in 12 years, led by an increase in attacks against Black and Asian people. As has long been suspected and anecdotally reported, hate crimes against Asians rose by more than 70 percent to 274 incidents. Yet, this is almost guaranteed to be a fraction of actual hate crimes due to underreporting by both victims and law enforcement. Notably, most agencies report zero hate crimes, including 64 jurisdictions with populations over 100,000.

As the pandemic wears on and COVID-19 variants cause states, localities, or private entities to reinstate restrictions or public safety mandates, frustration with the virus will undoubtedly resurface. We fear the impact this could have on perpetuating hate-based violence against people. Full implementation of the COVID-19 Hate Crimes Act will help stem the tide against further violence.

We appreciate your leadership on combating hate crimes and applaud your efforts to counter the recent rise in hate crimes and hate incidents. We look forward to working together on this issue.

Sincerely,



Mazie K. Hirono
United States Senator



Grace Meng
United States Representative