Maryland General Assembly  
House of Delegates Judiciary Committee  
Senate Judicial Proceedings Committee  
February 12, 2019

Statement of Doron F. Ezickson  
ADL Washington D.C. Regional Director

The ADL (Anti-Defamation League) is pleased to submit this statement in support of *An Act Concerning Hate Crimes – Threats and Penalties*, HB 240 (Del. Rosenberg) / SB 232 (Sen. Zirkin). This proposed legislation seeks to amend Maryland’s hate crime statutes to ensure that *attempted* and *threatened* hate crimes are criminal offenses under Maryland law.

**ADL (The Anti-Defamation League)**

Since 1913, the mission of ADL has been to “stop the defamation of the Jewish people and to secure justice and fair treatment for all.” Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL is proud of its leadership role in developing innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

Over the past three decades, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations working in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA) for more than a decade.

ADL also specializes in training law enforcement on the topic of hate crimes. In 2018, for example, our Washington, DC Regional Office partnered with the Maryland Coordination and Analysis Center to bring together dozens of law enforcement agencies to discuss best practices for addressing and responding to hate crimes and bias incidents when they occur.

**The Impact of Anti-Semitism and Hate Violence**

All Americans have a stake in effective responses to violent bigotry. These crimes demand priority attention because of their special impact. Bias crimes are intended to intimidate the victim and members of the victim’s community, leaving them feeling fearful, isolated, and vulnerable. Failure
to address this unique type of crime often causes an isolated incident to explode into widespread community tension. The damage done by hate crimes, therefore, cannot be measured solely in terms of physical injury or dollars and cents. By making members of targeted communities fearful, angry, and suspicious of other groups – and of the power structure that is supposed to protect them – these incidents can damage the fabric of our society and fragment communities.

**ADL Audit of Anti-Semitic Incidents**

Since 1979, ADL has been compiling an annual *Audit of Anti-Semitic Incidents* (“the Audit”).¹ We track anti-Semitic incidents not only because we are a Jewish community civil rights organization, but because anti-Semitism, the longest and most persistent form of prejudice, threatens our security and democracy and is an indicator of the health of a society as a whole.

Nationally, our audit data show that the number of anti-Semitic incidents was significantly higher in 2017 compared to 2016, with an increase of 57%.² Specifically, our report documented 1,986 anti-Semitic incidents across the United States in 2017, including 1,015 incidents of harassment (where a Jewish person or group of people feel harassed by the perceived anti-Semitic words, spoken or written, or actions of someone else). These incidents peaked during the first quarter of 2017, and the pace slowed somewhat in the second and third quarters.

Of the 1,015 incidents of harassment recorded in 2017, 163 were part of a series of bomb threats made against Jewish institutions in the first quarter of 2017. By way of example only, these calls graphically threatened a “bloodbath” where “Jews” / “Jew children” were going to have their heads blown off. Still other calls to Jewish institutions included specific threats that the caller was coming to the school to shoot and kill children.

These bomb threats were hate crimes that sparked widespread fear in the Jewish community – causing evacuations, significant service disruptions, program cancellations, and deep community anxiety. In response, ADL called for a fully-resourced Department of Justice investigation and

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¹ The Audit includes both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats, and slurs. Compiled using information provided by victims, law enforcement, and community leaders, each recorded incident was specifically evaluated by a member of ADL’s professional staff who personally verified the information. In short, the Audit provides a fact-based snapshot of a nationwide problem while identifying possible trends or changes in the types of activity reported.

² [https://www.adl.org/resources/reports/2017-audit-of-anti-semitic-incidents](https://www.adl.org/resources/reports/2017-audit-of-anti-semitic-incidents)
welcomed an April 2017 announcement\(^3\) that the Department of Justice had filed criminal charges against an Israeli-American teen for the bomb threats.\(^4\)

In addition to the 163 bomb threats in the first quarter, an additional six unrelated bomb threats were sent to Jewish institutions in the third and fourth quarters of 2017. ADL included these bomb threats in its total count of anti-Semitic incidents in 2017 because, regardless of the motivation of any specific perpetrator,\(^5\) Jewish communities were repeatedly traumatized by these assaults on their institutions and threats to their safety. And, these crimes met the textbook definition of hate crimes: Jewish community institutions were intentionally selected and targeted — and the bomb threats sparked widespread fear at these institutions, causing evacuations, significant service disruptions, program cancellations, and deep community anxiety.

In Maryland, ADL recorded 35 anti-Semitic incidents in 2017. These incidents included 15 incidents of harassment and 20 incidents of vandalism.

**FBI Hate Crime Statistics Act**

The FBI has been tracking and documenting hate crimes reported from federal, state, and local law enforcement officials since 1991 under the Hate Crime Statistics Act of 1990 (“HCSA”). Though clearly incomplete,\(^6\) the FBI’s annual HCSA Reports provide the best single national snapshot of bias-motivated criminal activity in the United States.

The 2017 FBI HCSA Report\(^7\) documented a 17% overall annual increase in hate crime incidents on the basis of race, ethnicity, ancestry, religion, sexual orientation, disability, gender, or gender identity.

Specifically, the FBI documented 7,175 hate crimes reported by 16,149 law enforcement agencies across the country. Of the 7,175 total hate crime incidents, 4,131 were motivated by racial/ethnic

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5. Some have questioned whether these truly should be counted in ADL’s Audit because of the identity of the suspect. ADL did so because, regardless of the motivation of any specific perpetrator, Jewish communities were repeatedly traumatized by these assaults on their institutions and threats to their safety.

6. Unfortunately, it is clear that, at the federal level, HCSA data significantly understates the true number of hate crimes committed in the U.S. In 2017, 16,149 federal, state, and local law enforcement agencies voluntarily reported hate crime data to the FBI. Yet, only a very small number, just 2,040 of these participating agencies – less than 13% – reported even a single hate crime to the FBI.

bias (57.6%), 1,564 were motivated by religious bias (21.8%), and 1,130 were motivated by sexual orientation bias (15.7%).

Of the 1,564 hate crimes motivated by religious bias, a disturbingly high and disproportionate percentage – 60% – were directed towards Jews and Jewish institutions. This represented a 37% increase relative to 2016 (from 684 in 2016 to 938 in 2017). Overall, hate crimes motivated by religious bias increased 23% (from 1,273 in 2016 to 1,564 in 2017).

In Maryland, the Department of State Police is required to collect and analyze information about criminal incidents that appear to have been directed against an individual or group because race, religion, ethnicity or sexual orientation.8 That data is compiled and reported out by a partnership between the Maryland State Police and the Maryland Coordination and Analysis Center – expanding the scope beyond just crimes, to include incident-based data as well.9

According to this data, the number of verified hate/bias incidents has increased each of the last three years, with 79 such incidents in 2015, 102 such incidents in 2016, and 183 such incidents in 2017. In addition, of the total number of incidents reported in 2017, 20.4% were incidents of verbal intimidation, and 18.8% were incidents of written intimidation. This suggests that bias-motivated threats remain a serious concern in Maryland.

An overview of Maryland hate crime data reported to the FBI is below:10

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<th>’16</th>
<th>’15</th>
<th>’14</th>
<th>’13</th>
<th>’12</th>
<th>’11</th>
<th>’10</th>
<th>’09</th>
<th>’08</th>
<th>’07</th>
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*In 2015, the categories of race and ethnicity were combined into a single race/ethnicity category.

**Recommendations**

We cannot legislate, tabulate, regulate, or arrest our way to a healthier and more accepting society. The fundamental cause of religious and other bias-motivated violence in the United States is the persistence of racism, anti-Muslim bigotry, homophobia, and anti-Semitism. Unfortunately, there are no quick, complete solutions to these problems.

However, the Maryland legislature can play an essential role in helping to deter these crimes. *An Act Concerning Hate Crimes – Threats and Penalties* (H.B. 240; S.B. 232) is one such measure. This bill criminalizes both attempted and threatened hate crimes (i.e., those that rise to the level of a “true threat”). In ADL’s experience, this legislation is critical because the First Amendment’s guarantee of religious freedom means little to those not safe in their house of worship – or anxious, every day, about wearing a hijab, turban, or kippah – on the street.\(^\text{11}\)

We urge the House of Delegates Judiciary Committee and the Senate Judicial Proceedings Committee to report out H.B. 240 / S.B. 232 favorably, and we look forward to continuing to work with members of the Committee to combat hate in the state of Maryland.

\(^\text{11}\) For these reasons, ADL has urged Congress to consider legislation that would add “threats” to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA). ADL also supported the Protecting Religiously Affiliated Institutions Act of 2018, which amended 18 USC § 247, the Church Arson Prevention Act of 1996, to criminalize bomb threats and other violent threats against religiously-affiliated organizations, including Jewish Community Centers. [https://www.congress.gov/115/plaws/publ249/PLAW-115publ249.pdf](https://www.congress.gov/115/plaws/publ249/PLAW-115publ249.pdf)