

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on “Responses to the Increase in Religious Hate Crimes”
May 2, 2017**

The Senate Judiciary Committee today is holding a hearing on “Responses to the Increase in Religious Hate Crimes.” This is a subject of great bipartisan interest in the Committee.

Religious hate crimes harm victims and communities. Many of these crimes would never have been committed but for hatred. They run counter to American values such as religious freedom and tolerance. Americans have the right to be safe against those who would treat them as members of religious groups rather than as individuals.

Religious hate crimes are on the rise. Crimes against Jews are the most common religious hate crimes and they have increased. Religious hate crimes against Muslims are the fastest growing category. These crimes increased by 67% between 2014 and 2015, the last year for which FBI figures are available. I have been contacted by fearful Iowans. Fear for practicing one’s religion should never happen in this country. This problem has been growing for some time, and is not new.

Last week, President Trump stated, “This is my pledge to you. We will confront anti-Semitism. We will stamp out prejudice, we will condemn hatred, we will bear witness and we will act.” With these statements, the President followed a tradition for governmental action dating back to George Washington who, in 1790, wrote to a synagogue in Rhode Island that “the government of the United States ... gives to bigotry no sanction, to persecution no assistance....”

Government action to enforce the First Amendment’s guarantee of free exercise of religion is necessary if these rights are to be protected against those who commit hate crimes. Law enforcement resources will need to be deployed to houses of worship. Law enforcement may need to create specific task forces and provide special assistance to religious groups to enhance security or for other purposes. That reality may require people who read the First Amendment’s Establishment Clause so broadly as to prohibit any governmental assistance that aids a religious entity to reconsider those views.

For instance, the Supreme Court a few weeks ago considered the constitutionality of a Missouri state constitutional provision that prohibits governmental financial assistance to religious institutions, and whether the state could prohibit a religious institution from receiving government grants in a program that would be available to secular entities. At oral argument, Justice Alito asked the lawyer for Missouri about a grant program, such an existing federal program, to “harden nonprofit organization facilities that are deemed to be at high risk for terrorist attacks. So if you have a synagogue at high risk for an attack by an anti-Semitic group or

a mosque that is considered to be at high risk by an anti-Muslim group, would the Missouri constitution permit the erection of bollards like we have around the court here?" Astonishingly to me, the lawyer responded, no, the Missouri constitution would not permit the state, even on a neutral basis, to administer a security grant program to protect houses of worship. The safety of the buildings is important in itself, but we cannot lose sight of the fact that people are so often in those buildings. The Establishment Clause should not be read to forbid government from saving the lives of the religious.

I believe that religious hate crimes require a governmental response. One response is financial assistance for facilities that are targets. I hope that the Supreme Court does not issue a ruling that allows government to forbid religious entities from receiving assistance against attacks that is available to other organizations.

Our witnesses today will shed important light on this topic. We will hear from the Justice Department about efforts underway to combat religious hate crimes. We will then hear from civil rights and law enforcement organizations on the nature of the problem and how to address it. We will also hear from a victim of a religious hate crime. I look forward to all the testimony.