



Office of the Attorney General
Washington, D. C. 20530

March 30, 2021

MEMORANDUM FOR DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL

A handwritten signature in cursive script, appearing to read "Merrick Garland".

SUBJECT: HATE-BASED VIOLENCE AND INCIDENTS

Advancing equal justice under law is a core principle of the Department of Justice. Established during Reconstruction, in the aftermath of the Civil War, the Department's first mission was to secure the civil rights promised by the 13th, 14th, and 15th Amendments. The nascent Department prosecuted hundreds of cases against members of the Ku Klux Klan who engaged in racially motivated violence.

One hundred and fifty years later, hate crimes persist and continue to have a toxic effect on our society. Increases in hate crimes are also often accompanied by increases in multiple forms of harassment and discrimination. The recent rise in hate crimes and hate incidents, particularly the disturbing trend in reports of violence against members of the Asian American and Pacific Islander community since the start of the pandemic, requires renewed energy and emphasis on investigation and prosecution, increased community outreach, and the improved collection of data critical to understanding the evolving nature and extent of hate crimes and hate incidents in all their forms.

We must recommit ourselves to this urgent task and ensure that the Department makes the best and most effective use of its resources to combat hate.

Today, I am launching a 30-day expedited review to determine how the Department can deploy all the tools at its disposal in support of this effort. The review will consider how the Department can better:

- increase and help track the reporting of hate crimes and hate incidents that may violate federal law;
- prioritize criminal investigations and prosecutions to hold offenders accountable;
- utilize civil enforcement authorities to address unlawful acts of bias that do not rise to the level of hate crimes;
- ensure that each U.S. Attorney's Office has specialized resources appropriately dedicated to identifying and enforcing violations of criminal and civil federal laws that protect against acts of hate;

- enhance the tools available to identify and respond to hate crimes and hate incidents by assessing the resources needed across the Department to combat these threats, including budgetary enhancements, technical assistance, and linguistic and other resources;
- align the efforts of the Federal Bureau of Investigation, U.S. Attorneys' Offices, and Department components to holistically and immediately respond to acts of hate;
- provide state and local stakeholders with additional tools to identify, investigate, prosecute, and prevent hate crimes and hate incidents and offer stakeholders increased support to help their communities heal after such events; and
- engage with communities across the United States to determine how we can better serve the needs of groups facing hate crimes and hate incidents.

The Acting Deputy Attorney General, with the support of the Principal Deputy Associate Attorney General, will lead this review until Senate-confirmed leadership is in place and will report the resulting recommendations to me within 30 days. Other participants will include the head of the Civil Rights Division; the head of the Federal Bureau of Investigation's Criminal Investigative Division; the head of the Executive Office for U.S. Attorneys; four U.S. Attorneys representative of both urban and rural areas; the head of the Community Relations Service; the head of the Office of Justice Programs; a representative of the Office of the Attorney General; and other individuals as warranted.

While this effort remains ongoing, the Department will continue to seek justice for the victims of the hate-fueled mass murders that we have seen too many times in the past several years—killings that have shaken our communities, torn at our social fabric, and undercut our most basic values. We will persist in our efforts to investigate and appropriately prosecute those who attack members of our communities, set fire to places of worship, or use the Internet to threaten bodily injury to other persons because of their real or perceived protected characteristics.

We will also continue to deploy our civil enforcement power, community outreach, and other authorities that are critical tools for addressing hate incidents and acts of unlawful discrimination, including those that occur in schools, housing, employment, and public accommodations. Our grant-making and research components will, consistent with their authorities, prioritize use of their resources to promote training, technical assistance, outreach, education, and improved data collection concerning hate crimes and hate incidents.

The Department is committed to serving the cause of justice and protecting the safety of all of our communities. I look forward to working with you as we pursue and enhance our critical work to combat hate.