
Public Hearing

before

SENATE LAW AND PUBLIC SAFETY COMMITTEE
ASSEMBLY HOMELAND SECURITY AND
STATE PREPAREDNESS COMMITTEE

*“The Committees will meet to hear testimony from invited guests
concerning the increase in bias crimes and potential legislative responses”*

The following bill(s) will be considered:

Assembly Resolution AR-208
Senate Resolution S-118

LOCATION: Committee Room 6
State House Annex
Trenton, New Jersey

DATE: March 7, 2019
1:00 p.m.

MEMBERS OF COMMITTEES PRESENT:

Senator Linda R. Greenstein, Chair
Senator Joseph Cryan, Vice Chair
Senator Nia H. Gill
Senator Declan J. O’Scanlon, Jr.
Assemblywoman Valerie Vainieri Huttler, Chair
Assemblyman Daniel R. Benson, Vice Chair
Assemblywoman Annette Chaparro
Assemblywoman Verlina Reynolds-Jackson
Assemblywoman Lisa Swain
Assemblyman Jay Webber



ALSO PRESENT:

Amanda D. Holland
Kristin Brunner Santos
Wendy S. Whitbeck
*Office of Legislative Services
Committee Aides*

Alison Accettola
Senate Majority
Kristen Powell
*Assembly Majority
Committee Aides*

Michael Molimock
Senate Republican
Brandon Pugh
*Assembly Republican
Committee Aides*

***Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

LINDA R. GREENSTEIN
Chair

JOSEPH CRYAN
Vice-Chair

NIA H. GILL
NICHOLAS J. SACCO
DECLAN J. O'SCANLON, JR.



WENDY S. WHITBECK
AMANDA HOLLAND
Office of Legislative Services
Committee Aides
(609) 847-3870
(609) 777-2715 fax

New Jersey State Legislature
SENATE LAW AND PUBLIC SAFETY COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

REVISED
JOINT PUBLIC HEARING NOTICE

The Senate Law and Public Safety Committee will meet on Thursday, March 7, 2019 at 1:00 PM in *Committee Room 6, 1st Floor, State House Annex, Trenton, New Jersey.

The Senate Law and Public Safety Committee will meet jointly with the Assembly Homeland Security and State Preparedness Committee to hear testimony from invited guests concerning the increase in bias crimes and potential legislative responses.

Those persons presenting written testimony are asked to provide 25 copies on the date of the hearing.

The public may address comments and questions to Wendy S. Whitbeck or Amanda D. Holland, Committee Aides, or make bill status and scheduling inquiries to Michelle L. McArthur, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideSLP@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

Issued 2/25/19

*Revised 3/6/19 – Hearing moved to CR 6.

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.



LINDA R. GREENSTEIN
Chair

JOSEPH CRYAN
Vice-Chair

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New Jersey State Legislature
SENATE LAW AND PUBLIC SAFETY COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

**REVISED
COMMITTEE NOTICE**

TO: MEMBERS OF THE SENATE LAW AND PUBLIC SAFETY COMMITTEE
FROM: SENATOR LINDA R. GREENSTEIN, CHAIRWOMAN
SUBJECT: COMMITTEE MEETING - MARCH 7, 2019

The public may address comments and questions to Wendy S. Whitbeck or Amanda D. Holland, Committee Aides, or make bill status and scheduling inquiries to Michelle L. McArthur, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideSLP@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Law and Public Safety Committee and the Assembly Homeland Security and State Preparedness Committee will meet jointly on Thursday, March 7, 2019 at 2:30 PM in *Committee Room 6, 1st Floor, State House Annex, Trenton, New Jersey.

The joint meeting will commence immediately following the Joint Public Hearing with the Assembly Homeland Security and State Preparedness Committee.

The following bill(s) will be considered:

SR-118 Condemns hate and bias crime.
Greenstein

Issued 3/04/19
*Revised 3/6/19 – Meeting moved to CR 6.

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VALERIE VAINIERI HUTTLE
Chair

JAMEL C. HOLLEY
Vice-Chair

ANNETTE CHAPARRO
ANGELICA M. JIMENEZ
GREGORY P. MCGUCKIN
JAY WEBBER



KRISTIN BRUNNER SANTOS
THOMAS M. KELLY
Office of Legislative Services
Committee Aides
(609) 847-3870
(609) 777-2715 fax

New Jersey State Legislature
ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE
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TRENTON NJ, 08625-0068

REVISED
JOINT PUBLIC HEARING NOTICE

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The public may address comments and questions to Kristin Brunner Santos, Thomas Kelly, Committee Aides, or make bill status and scheduling inquiries to Charles Lwanga, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideAHS@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

Issued 2/25/19

*Revised 3/6/19 – Hearing moved to CR 6.

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VALERIE VAINIERI HUTTLE
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Vice-Chair

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REVISED
COMMITTEE NOTICE

**TO: MEMBERS OF THE ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE**

FROM: ASSEMBLYWOMAN VALERIE VAINIERI HUTTLE, CHAIR

SUBJECT: COMMITTEE MEETING - MARCH 7, 2019

The public may address comments and questions to Kristin Brunner Santos, Thomas Kelly, Committee Aides, or make bill status and scheduling inquiries to Charles Lwanga, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideAHS@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Assembly Homeland Security and State Preparedness Committee and the Senate Law and Public Safety Committee will meet jointly on Thursday, March 7, 2019 at 2:30 PM in *Committee Room 6, 1st Floor, State House Annex, Trenton, New Jersey.

The joint meeting will commence immediately following the Joint Public Hearing with the Senate Law and Public Safety Committee.

The following bill(s) will be considered:

AR-208 Condemns hate and bias crime.
Vainieri
Huttle/Benson/Murphy

Issued 3/4/19

*Revised 3/6/19 – Meeting moved to CR 6.

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ASSEMBLY RESOLUTION No. 208

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED DECEMBER 17, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CAROL A. MURPHY

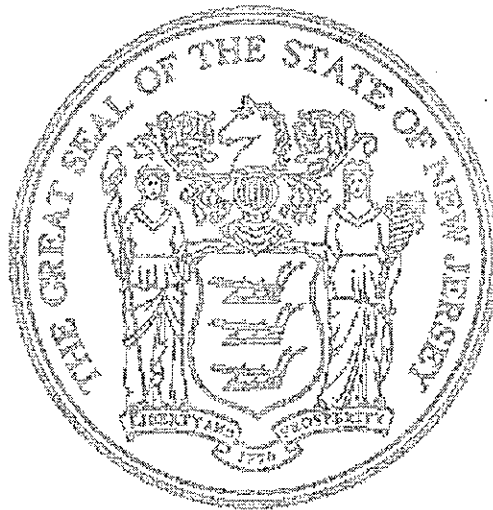
District 7 (Burlington)

SYNOPSIS

Condemns hate and bias crime.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/25/2019)

1 AN ASSEMBLY RESOLUTION condemning hate crimes and any other
2 form of bias crime in New Jersey.
3
4 WHEREAS, In the past several years, violent crimes, threats of
5 violence, and other incidents of hate-motivated targeting of
6 religious, racial, and ethnic minorities have increased across the
7 State of New Jersey and the United States; and
8 WHEREAS, The Federal Bureau of Investigation (FBI) defines a hate
9 crime as “criminal offense against a person or property motivated in
10 whole or in part by an offender’s bias against a race, religion,
11 disability, sexual orientation, ethnicity, gender, or gender identity”;
12 and
13 WHEREAS, According to FBI statistics, the number of reported hate
14 crime incidents nationally in 2017 had increased 17 percent over
15 2016 totals, representing the first consecutive three-year annual
16 increase and the largest single-year increase since 2001, when hate
17 crimes targeting Muslim Americans increased in the aftermath of
18 the September 11, 2001, attacks; and
19 WHEREAS, According to the FBI, in 2017 495 hate crimes were
20 reported in New Jersey, a 76 percent increase from the previous
21 year and the fourth-highest total in the nation, and of those hate
22 crimes 260 incidents were attributed to race or ethnic bias, 180
23 incidents were attributed to religious bias, 51 incidents were
24 attributed to sexual orientation, and four incidents were attributed to
25 disability; and
26 WHEREAS, In 2017, anti-Semitic incidents increased 57 percent in the
27 United States compared to 2016, and 32 percent in New Jersey with
28 208 reported incidents, according to the Anti-Defamation League’s
29 2017 Audit of Anti-Semitic Incidents, which describes trends such
30 as the tripling of assaults targeting Jews since 2012 and the rise of
31 online harassment and hate speech directed at Jewish journalists
32 and individuals through social media; and
33 WHEREAS, On October 27, 2018, 11 people were killed and seven
34 wounded in an armed attack at a synagogue, Tree of Life – Or
35 L’Simcha Congregation, in Pittsburgh, Pennsylvania; and
36 WHEREAS, In 2015, among single-bias hate crime incidents in the
37 United States, 59.2 percent of victims were targeted due to racial,
38 ethnic, or ancestry bias, and among those victims, 52.2 percent
39 were victims of crimes motivated by the offenders’ anti-Black or
40 anti-African-American bias, according to the FBI; and
41 WHEREAS, In 2015 the U.S. Transgender Survey results found that 16
42 percent of transgender students in kindergarten through grade 12 in
43 New Jersey faced such severe mistreatment as a transgender person
44 that they left the school and, further, 26 percent of respondents in
45 New Jersey who were out or perceived as transgender in college or
46 vocational school were verbally, physically, or sexually harassed
47 because of being transgender; and

1 WHEREAS, On June 12, 2016, 49 people were killed and 58 others
2 wounded in an armed attack on Pulse, a gay nightclub in Orlando,
3 Florida; and

4 WHEREAS, In 2017, the National Coalition of Anti-Violence Programs
5 (NCAVP) reported a 26 percent increase in reported lesbian-gay-
6 bisexual-transgender-queer (LGBTQ) homicides nationally in 2016,
7 and of the homicides reported in 2017, 75 percent were LGBTQ
8 people of color; and

9 WHEREAS, In 2018, there has been harassment and hate-based
10 violence against individuals who are perceived to be Muslim,
11 including members of South Asian communities in the United
12 States, and Hindu and Sikh-Americans have been the target of hate-
13 based violence targeting religious minorities; and

14 WHEREAS, The Bias Crime Unit, in the New Jersey Division of
15 Criminal Justice in the Department of Law and Public Safety, is the
16 statewide coordinator of efforts to eliminate crimes motivated by
17 prejudice against others based on race, color, religion, sexual
18 orientation, gender, disability, or ethnicity and investigates
19 complaints; and

20 WHEREAS, It is further in the public interest of the citizens of the State
21 of New Jersey and this great nation to condemn, in the strongest
22 terms, any hate crimes or any other form of conduct that constitutes
23 racism, religious or ethnic bias, discrimination based on disability,
24 age, marriage, familial status, sexuality or gender discrimination
25 including incitement to violence; now, therefore,

26

27 **BE IT RESOLVED** by the General Assembly of the State of New
28 Jersey:

29

30 1. This House strongly condemns hate crimes and any other
31 form of racism, religious or ethnic bias, discrimination, incitement
32 to violence, or animus targeting of minorities in New Jersey.

33

34 2. The Governor and the Attorney General are encouraged to
35 provide State assistance to victims of hate crimes and to enhance
36 security measures and improve preparedness at religious
37 institutions, places of worship, and other institutions that have been
38 targeted because of their affiliation with any particular race,
39 religion, disability, sexual orientation, ethnicity, gender, or gender
40 identity.

41

42 3. Copies of this resolution, as filed with the Secretary of State,
43 shall be transmitted by the Clerk of the General Assembly to the
44 President and Vice President of the United States of America, the
45 presiding officers of the United States Senate and the House of
46 Representatives, and each member of Congress elected from the
47 State of New Jersey.

STATEMENT

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This resolution condemns hate crimes and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting of minorities in New Jersey.

The resolution further encourages the Governor and the Attorney General to provide State assistance to victims of hate crimes and to enhance security measures and improve preparedness at religious institutions, places of worship, and other institutions that have been targeted because of their affiliation with any particular race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

According to the most recent report by the Federal Bureau of Investigation (FBI) released in November of 2018, the number of reported hate crime incidents nationally in 2017 had increased 17 percent over 2016 totals, representing the first consecutive three-year annual increase and the largest single-year increase since 2001, when hate crimes targeting Muslim Americans increased in the aftermath of the September 11, 2001, attacks.

According to FBI statistics, there were 495 hate crimes were reported in New Jersey in 2017, a 76 percent increase from the previous year and the fourth-highest reported total in the nation. Of those New Jersey hate crimes, 260 were attributed to race or ethnic bias, 180 were attributed to religious bias, 51 were attributed to sexual orientation, and four were attributed to disability. Most recently, in 2018 New Jersey newspapers have reported that swastikas have been found at schools and on campaign signs.

It is the sponsor's intent to affirm that the State of New Jersey stands united in condemning hate and bias in all forms and rejects hate-motivated crime as an attack on the fabric of society and the ideals of pluralism and respect.

SENATE RESOLUTION No. 118

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JANUARY 15, 2019

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Condemns hate and bias crime.

CURRENT VERSION OF TEXT

As introduced.



SR118 GREENSTEIN

2

1 **A SENATE RESOLUTION** condemning hate crimes and any other
2 form of bias crime in New Jersey.
3
4 **WHEREAS**, In the past several years, violent crimes, threats of
5 violence, and other incidents of hate-motivated targeting of
6 religious, racial, and ethnic minorities have increased across the
7 State of New Jersey and the United States; and
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14 WHEREAS, The Bias Crime Unit, in the New Jersey Division of
15 Criminal Justice in the Department of Law and Public Safety, is the
16 statewide coordinator of efforts to eliminate crimes motivated by
17 prejudice against others based on race, color, religion, sexual
18 orientation, gender, disability, or ethnicity and investigates
19 complaints; and

20 WHEREAS, It is further in the public interest of the citizens of the
21 State of New Jersey and this great nation to condemn, in the
22 strongest terms, any hate crimes or any other form of conduct
23 that constitutes racism, religious or ethnic bias, discrimination
24 based on disability, age, marriage, familial status, sexuality or
25 gender discrimination including incitement to violence; now,
26 therefore,

27

28 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

29

30 1. This House strongly condemns hate crimes and any other
31 form of racism, religious or ethnic bias, discrimination, incitement
32 to violence, or animus targeting of minorities in New Jersey.

33

34 2. The Governor and the Attorney General are encouraged to
35 provide State assistance to victims of hate crimes and to enhance
36 security measures and improve preparedness at religious
37 institutions, places of worship, and other institutions that have been
38 targeted because of their affiliation with any particular race,
39 religion, disability, sexual orientation, ethnicity, gender, or gender
40 identity.

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42 3. Copies of this resolution, as filed with the Secretary of State,
43 shall be transmitted by the Secretary of the Senate to the President
44 and Vice President of the United States of America, the presiding
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STATEMENT

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According to the most recent report by the Federal Bureau of Investigation (FBI) released in November of 2018, the number of reported hate crime incidents nationally in 2017 had increased 17 percent over 2016 totals, representing the first consecutive three-year annual increase and the largest single-year increase since 2001, when hate crimes targeting Muslim Americans increased in the aftermath of the September 11, 2001, attacks.

According to FBI statistics, there were 495 hate crimes were reported in New Jersey in 2017, a 76 percent increase from the previous year and the fourth-highest reported total in the nation. Of those New Jersey hate crimes, 260 were attributed to race or ethnic bias, 180 were attributed to religious bias, 51 were attributed to sexual orientation, and four were attributed to disability. Most recently, in 2018 New Jersey newspapers have reported that swastikas have been found at schools and on campaign signs.

It is the sponsor's intent to affirm that the State of New Jersey stands united in condemning hate and bias in all forms and rejects hate-motivated crime as an attack on the fabric of society and the ideals of pluralism and respect.

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SENATOR LINDA R. GREENSTEIN (Chair): Good morning -- good afternoon. I'm not used to afternoon. (laughter)

Good afternoon, everybody, and welcome to this joint meeting of the Senate Law and Public Safety Committee and the Assembly Homeland Security Committee. Is that right?

MS. SANTOS (Committee Aide): Yes.

SENATOR GREENSTEIN: Homeland Security and State Preparedness Committee.

We're very glad to be meeting together on this very important issue.

We're going to start with the Pledge of Allegiance; so please, everyone stand. (all recite Pledge of Allegiance)

Can we have the roll call, please?

MS. WHITBECK (Committee Aide): Senate first?

SENATOR GREENSTEIN: Sure.

SENATOR JOSEPH CRYAN (Vice Chair): Of course. (laughter)

SENATOR GREENSTEIN: Of course.

MS. WHITBECK: Senator O'Scanlon.

SENATOR CRYAN: He's here.

MS. WHITBECK: And Senator Gill. (no response)

I'm not sure--

Senator Cryan.

SENATOR CRYAN: Here.

MS. WHITBECK: And Senator Greenstein.

SENATOR GREENSTEIN: Here.

MS. SANTOS: For the Assembly,
Assemblyman Webber.

ASSEMBLYMAN WEBBER: Here.

MS. SANTOS: Assemblywoman Swain.

ASSEMBLYWOMAN SWAIN. Here.

MS. SANTOS: Assemblywoman Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Here.

MS. SANTOS: Vice Chair Benson.

ASSEMBLYMAN DANIEL R. BENSON (Vice Chair):

Present.

MS. SANTOS: And Chair Vainieri Huttle.

ASSEMBLYWOMAN VALERIE VAINIERI HUTTLE

(Chair): Here.

Thank you.

SENATOR GREENSTEIN: Thank you all very much.

I'm Senator Linda Greenstein, and I'm going to start with my remarks, again, welcoming you to this joint Committee.

Today, the Committees will hear testimony from invited guests concerning hate and bias crimes; and discuss possible legislative solutions.

Immediately following this joint hearing, we'll convene to consider Senate Resolution 118 and AR-208, which condemns hate and bias crime in New Jersey; and encourages the Governor and the Attorney General to provide State assistance to victims of hate crimes, and to enhance security measures and improve preparedness at religious institutions, places of worship, and other institutions that have been

targeted because of their affiliation with any particular race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

The incidents of hate crimes, and other forms of racism -- religious or ethnic bias, discrimination, or incitement to violence targeting minority communities -- has long been common in our country, unfortunately. However, according to a report by the FBI in 2018, the number of reported hate crimes incidents, nationally, in 2017, increased 17 percent over 2016 totals. This represents the first consecutive three-year annual increase; and the largest single-year increase since 2001, when hate crimes targeting Muslim Americans increased in the aftermath of the September 11 attacks.

According to FBI statistics, there were 495 hate crimes reported in New Jersey in 2017, a 76 percent increase from the previous year, and the fourth-highest reported total in the nation. Of those New Jersey's hate crimes, 260 were attributed to race or ethnic bias; 180 were attributed to religious bias; 51 attributed to sexual orientation; and 4 to disability.

One of the other interesting statistics is that the Southern Poverty Law Center said that the number of hate groups in New Jersey has decreased, from about 50 groups in 2015, down to about 18 groups now. But it seems that they've just consolidated, because the actual number of hate crimes has gone up exponentially.

Those targeted have had to endure hate and harassment at school, work, public transportation, even in their houses of worship. On June 12, 2016, 49 people were killed and 58 wounded in an armed attack on Pulse, a gay nightclub in Orlando. On October 27, 2018, 11 were killed

and 7 wounded in an armed attack at the Tree of Life synagogue in Pittsburgh. Among single-bias hate crimes in the U.S. in 2015, 59.2 percent of victims were targeted due to racial, ethnic, or ancestry bias. And in 2015, the U.S. Transgender Survey results found that 16 percent of transgender students, in kindergarten through 12th grade, faced such severe mistreatment that they left school.

Today, with the help of our esteemed speakers, we will explore the reasons why there has been such a dramatic increase in the incidence of hate crimes throughout the nation and in New Jersey; and discuss what we, as a Legislature, can do to address this very disturbing trend.

Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you, Senator, and thank you for arranging this joint meeting.

Good afternoon, everyone. I want to thank my Assembly colleagues for filling in; I appreciate your time today.

SENATOR GREENSTEIN: Say your name.

ASSEMBLYWOMAN VAINIERI HUTTLE: They know me; Valerie Huttle. (laughter)

Oh, for the record?

SENATOR GREENSTEIN: For the record, for the record.

ASSEMBLYWOMAN VAINIERI HUTTLE: I never did that before; I apologize.

Thank you, Senator Greenstein.

You know, you heard Senator Greenstein with the statistics. And I think it is alarming-- And when we talked about doing this joint meeting, I was specifically thinking about Bergen County. And in Bergen

County, several of the schools have recently been faced with incidents of anti-Semitic and racist graffiti found on their school grounds. Pascack Valley Regional High School in Hillsdale found five incidents of anti-Semitic and racist graffiti within a two-month period, just last year, in the winter of 2018.

And bias incidents and hate crimes occurring at schools, obviously, we know can hinder the students' ability to focus and excel in their academics.

As Chairwoman of Homeland Security, it is paramount to ensure that the residents of New Jersey feel safe in their homes, their schools, their places of worship, and their day-to-day lives. You heard the statistics; I'm happy that we have expert testimony to expand on that, and hopefully we can, I guess, highlight where these incidents and why these incidents are happening.

And again, the Senator gave great statistics outside of this area. But just in the last year, in New Jersey -- because you think this doesn't happen here in New Jersey -- Freehold, August 2018: headstones were toppled at a Jewish cemetery.

Newark, September 2018: Police diffused a small explosive device discovered at a Jewish cemetery.

Lakewood, October 2018: A stuffed rag doll was found hanging from a tree with a knife stuck through its forehead near a Jewish school. The doll was wearing a skirt in a pattern that resembles the school uniform; the school is heavily populated by Orthodox Jews.

October 2018, Cherry Hill: Anti-Semitic and racist fliers, supporting the Ku Klux Klan, were distributed to at least 30 homes.

December 2018, Ridgewood: One swastika was found in a stall in a girls' bathroom at Ridgewood High School.

December 2018, Hillsdale: Swastikas and racial slurs were found etched into partitioning walls in the bathroom of Pascack Valley High School; five were found in a two-month period.

And I left out Lakewood, October 2018. A woman was arrested after leaving a hateful and intimidating voicemail on the answering machine at a synagogue.

This is happening right here in our backyards. And current groups include Identity Evropa -- I've never even heard of them -- but it's an alt-right movement that focuses -- on a movement built on our college campuses; as well as the Noble Klans of America, a vestige of the Ku Klux Klan.

And so in addition to white nationalist groups, organizations such as the Nation of Islam are operating in five communities in New Jersey.

No one should live in fear, and no one should be attacked for who they are or how they look.

And so, I hope at today's hearing we will vote on the Resolution that the Senator mentioned, that will condemn bias and hate crimes. And this Resolution will encourage the Governor and Attorney General to provide State assistance to victims of hate crimes, and to enhance security measures and improved preparedness at places of worship, and other institutions, that have historically been targeted due to their affiliation with certain marginalized groups.

And with that, I will turn it over to the Senator; and I guess we will call up our witnesses.

But thank you.

SENATOR GREENSTEIN: Thank you.

The first witness that we're going to call is Rachel Wainer Apter, Director of the State Division of Civil Rights; and I believe she's coming up with Steve Finkel from the Attorney General's Office.

And hopefully you've all gotten-- We've tried to provide the testimony in advance. But if you're missing any, we can certainly get it to you afterwards.

Thanks.

B. STEPHEN FINKEL, Esq.: Thank you, Senator.

Steve Finkel, from the Attorney General's Office.

I'm happy to be here today; and I recognize how important this hearing is.

One of the things that is important is to make people aware of this issue. Awareness will increase not just sensitivity to it, but people will come forward. So this hearing is part of that.

We also have -- I'd just like to mention at the outset -- we have a hotline, a bias crime hotline, that I-- Again, we'd like to get the word out there. The more people know it, the more it can be used. It's 1-800-277-BIAS; that's 2427. We also can be reached, obviously, on the Internet; our e-mail address for bias -- we have a specific account -- njbias@njdcj.org.

That is the useful information I have; but with me is Rachel Wainer Apter, who is the Director of the Division on Civil Rights, who can

speaking to bias intimidation and enforcement from a civil perspective -- what the Division on Civil Rights does.

And I know you have some criminal justice experts from Bergen County, and other places, who are going to, I'm sure, wonderfully address the criminal side of it.

So with that, I turn it over to Rachel.

RACHEL WAINER APTER, Esq.: Thank you.

Thank you, Chairwoman Greenstein and members of the Senate Law and Public Safety Committee; and Chairwoman Huttle and members of the Assembly Homeland Security and State Preparedness Committee. Thank you for inviting me here.

My name is Rachel Wainer Apter, and I am the new Director of the New Jersey Division on Civil Rights. The Division, which is part of the Department of Law and Public Safety, is the State agency charged with enforcing the New Jersey Law Against Discrimination; and with preventing and eliminating discrimination, bias, and prejudice in employment, housing, and places of public accommodation, which include schools, hospitals, theaters, restaurants, businesses, places of worship, etc.

I'm here today to speak about the rising number of bias incidents and bias crimes in recent years, and what we at the Division and in the Department of Law and Public Safety are doing about it.

As you asked, Senator Greenstein, I'm going to review the bias crime statute first; and then move into the civil portion of the testimony.

So in New Jersey, a person is guilty of a bias crime if he commits an offense -- like harassment, assault, terroristic threats, arson, criminal mischief, or homicide -- in order to intimidate a person because of

his or her race, color, religion, gender, disability, sexual orientation, gender identity, gender expression, or national origin. And that's codified at 2C:16-1.

The definition of *bias crimes* differs in other states and in the Federal system; but regardless of the definition, as you mentioned Senator Greenstein, the numbers are rising across the country. As you mentioned, the number of incidents reported to the FBI increased 17 percent from 2016 to 2017; 59.6 percent of those were because of the victim's race or ethnicity; 20 percent were because of religion; 15.8 percent were because of sexual orientation. And the total number of anti-Semitic hate crimes reported to the FBI rose 37 percent across the country.

As you also noted, the increase was even more pronounced in New Jersey, where there were 495 hate crime incidents reported to the FBI in 2017, which was a 76 percent increase over 2016. This doesn't mean that more hate crimes actually occurred in New Jersey than in 46 other states. The data does not measure the actual number of hate crimes committed; instead, it only measures the number reported by state and local law enforcement agencies to the FBI.

And some state and local law enforcement agencies simply do not report this data at all. For example, the city of Miami reported zero hate crimes in 2017; and the state of Mississippi reported one total hate crime in 2017.

But regardless of issues with the data, as Assemblywoman Huttle noted, we know that this is a problem in our state. So what are we doing about it? First, County Prosecutors and local police vigorously

prosecute bias crimes; and you will hear from some County Prosecutors shortly.

As Steve mentioned, within the Department of Law and Public Safety, the Division on Criminal Justice has a Bias Crimes Unit that individuals can report to. There's a special website that contains information about the unit, and about bias crimes, and that contains an online reporting mechanism. That's www.nj.gov/oag/bias; and then there's also the hotline that Steve mentioned.

And the Division on Criminal Justice has also been working closely with State Police on a new reporting system for local police to report data up to the State level; and that will be rolled out in the next few months.

The Division on Criminal Justice, County Prosecutors, and local police have also been taking a proactive approach. Along with the Division on Civil Rights, they have hosted 21 bias crime events across the state in the past several months. Many have included community groups -- including many of the groups present here today -- including the NAACP, Garden State Equality, and the ADL.

County Prosecutors and detectives have also been taking a proactive approach, going into schools to do anti-bias presentations and trainings; not only after incidents occur -- as you mentioned, Assemblywoman Huttel -- but also when they're contacted by schools to go in, in order to defuse something before an incident occurs.

I would like to speak personally about the role that the Division on Civil Rights has to play here. So as I noted, the Division was created by the Law Against Discrimination to prevent and eliminate discrimination,

bias, and prejudice in employment, housing, and places of public accommodation. And sadly, we still have a lot of work to do here.

Many bias crimes are also acts of prejudice and discrimination that violate the Law Against Discrimination; but DCR's Civil Rights investigations are not the same as criminal investigations. When an employee finds a noose hanging from his locker at work, or when a student finds a swastika painted on a bathroom stall at school, State and local police search for the person who hung the noose or painted the swastika, and decide whether or not that person should be criminally prosecuted.

When DCR investigates such an incident, we look at whether the employer or the place of public accommodation -- in my example, the school -- knew, or should have known, that there was a racially hostile work environment, or a racially hostile school environment; and whether it took reasonable steps to address the problem.

When we find that an employer or place of public accommodation did not take reasonable steps to address a racially hostile work environment, or a religiously hostile school environment, for example, we can require affirmative policy changes to make sure these incidents do not recur in the future. This could mean training on bias or implicit bias for employees, teachers, or students. It could mean a new policy that spells out how reports of harassment must be investigated internally, and proactively addressed. It could include damages to the victim, and it can include statutory penalties to ensure that employers and places of public accommodation are taking the issue seriously.

DCR's remedies thus complement any individual prosecution on the criminal side.

We are also taking a proactive approach, statewide, evaluating what types of training and policies might help all of us understand and address our own implicit biases and stereotype thinking. We're looking at what regulations or legislative changes may be helpful to clarify how the Law Against Discrimination applies in particular circumstances. We're creating materials to help New Jerseyans understand their rights under the Law Against Discrimination, which was the first state Civil Rights statute enacted, in 1945, and is still one of the broadest anywhere in the country.

And we are planning listening sessions across the state to help communities begin having the difficult conversations necessary to break down barriers and foster mutual trust and respect.

In the words of Dr. Martin Luther King, "People fail to get along because they fear each other. They fear each other because they don't know each other. They don't know each other because they have not communicated with each other." It's time to break down the barriers of communication and engage in the hard work of getting to know our fellow New Jerseyans, including those who look differently, pray differently, or love differently than you.

I'm happy to answer any questions you may have.

SENATOR GREENSTEIN: Thank you very much.

I just want to check; you made an important point of differentiating between the civil and the criminal. We know what the criminal statute is; what's the statute that your jurisdiction would be under? And a related question is, what are the penalties for violating civil rights?

MS. WAINER APTER: So the statute is the New Jersey Law Against Discrimination, which is codified at 10:5-12. And the penalties-- As I mentioned, there can be money damages to the victim; and that depends on what the victim's damages were. So in a case of a hostile work environment or a hostile school environment, it would really differ, based upon whether the victim was required to seek counseling, whether the victim was required to quit his or her job, switch to a different school.

Then there are also statutory penalties, and those differ based on the offense. So it's \$10,000 for the first offense; \$25,000 for the second offense, within a specific period of years; and then \$50,000 for the third offense.

And as I mentioned, the Law Against Discrimination also provides for affirmative injunctive relief, that would include things like policy changes, mandatory training, mandatory internal reporting mechanisms for the school, or the business, or whatever the institution is.

SENATOR GREENSTEIN: And final question --- what are the -- just briefly, what are the factors that you look at, civilly, to decide if there's been a violation of civil rights? Just briefly.

MS. WAINER APTER: So just to clarify, the way that we can begin an investigation is either because we receive a complaint from an individual-- So someone comes to us and says, "I saw a swastika at school, and I've been subjected to religiously motivated hateful language." Or that, in my other example, you know, "I have been subjected to a racially hostile work environment at my office." And so someone can come and file an individual complaint with us, and we then investigate using all different kinds of tools: witness interviews; we can subpoena and request documents

from the employer, or from the school, or from the institution; we can do site visits; we can hold fact-finding conferences, where we bring all of the witnesses and parties together in order to be able to ask questions.

And then we can also initiate what's called a *director-initiated investigation*, according to the statute. So that means that even if we do not receive a complaint about a particular issue; if we hear about the issue from the news, or from a member of the Legislature, or from an advocacy group, we can begin an investigation on our own. And then the same types of penalties and relief are available.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

And I would open it up to my Committee, if they have any questions.

I have one quick question. And Rachel, you did talk about the noose that was hanging in the workplace. I forgot to mention that; that happened yesterday in Englewood.

MS. WAINER APTER: Oh, I--

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MS. WAINER APTER: --didn't even actually hear about that.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MS. WAINER APTER: I will have to look into that.

ASSEMBLYWOMAN VAINIERI HUTTLE: I thought that's what you were referring to.

MS. WAINER APTER: I was referring to the incident from a few weeks ago, about the noose hanging.

ASSEMBLYWOMAN VAINIERI HUTTLE: Well, it happened in Englewood.

MS. WAINER APTER: It's horrible that it's happening regularly.

ASSEMBLYWOMAN VAINIERI HUTTLE: So when you say -- this is something interesting -- when you say, "If we hear about it through advocates," I wonder how many victims live in the shadows because they are afraid to come forward, whether they are undocumented-- Let's say a person is not a citizen, and they come forward. Are they protected to come forward? I think there seems to be a concern with many victims who just don't feel empowered enough to come forward to either their local law enforcement-- And if there's anything -- I don't know what would happen in that situation -- but if there's any way we can empower victims not to be afraid to come forward.

MS. WAINER APTER: I think you're definitely right; that there is definitely fear, especially in the immigrant community, about any kind of interaction with State or local law enforcement.

As I mentioned, there have been 21 bias crime events that have happened across the counties in recent months; there have also been 21 events related to the Immigrant Trust Directive, which is a directive that the Attorney General released in November that clarifies that no State or local law enforcement officers can ask about immigration status, even in the context of a criminal investigation, unless it is necessary to that criminal investigation of the person who was arrested.

And so the Attorney General's Office is working very hard to try to get the message out to immigrant communities. And I had, before

taking this position, worked as a Counsel to the Attorney General; and I was working very closely with advocates on behalf of all different immigrant communities throughout the state to make clear how this new directive would clarify that immigration status cannot be asked, and that people who come in to report a crime or to seek assistance cannot be turned over.

We are lucky that within the Division on Civil Rights people don't associate us with State and local law enforcement to the same extent. We don't wear police uniforms; the investigators have badges, but they keep them in their pockets. And so it has not been the same type of deterrent; however, it is definitely something that still exists. And we are working hard to make sure that, especially, immigrant communities know their rights under the Law Against Discrimination. Because the Law Against Discrimination prohibits discrimination on the basis of national origin, which covers a lot of the horrific examples that you've heard -- for example, of landlords telling tenants that they're going to evict them because they know they're not going to report them because of their immigration status, or something like that.

And so we are trying to put together materials to make sure that immigrant communities know how they're currently protected under the Law Against Discrimination, and to come up with proposals for further protections there.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Thanks.

Thank you, chairs; and thanks for bringing us together today on this important issue. We appreciate it; thank you.

A couple questions for both of you.

This is a voluntary reporting. Are there communities in New Jersey that do not report bias incidents? It's voluntary, correct?

MS. WAINER APTER: No--

SENATOR CRYAN: We have an AG guideline, but is there any--

MR. FINKEL: I believe it's not voluntary; I think they're required to report.

SENATOR CRYAN: Okay.

MR. FINKEL: And then we get -- the State Police compiles them in a Bias Incident Report annually.

One thing I didn't mention -- the 2017 report should be out within the next 30 days.

SENATOR CRYAN: That's this report, right?

MR. FINKEL: That's right; right.

SENATOR CRYAN: For 2016? Right.

MR. FINKEL: So we're going to have 2017 out; and then 2018 should be out shortly after that.

SENATOR CRYAN: I apologize; in most of my stuff I read, I thought it was voluntary. So I apologize for that.

You know, just to put the data in perspective, 553 in 2012; 459, 2013; 373 in 2014; 367, 2015 -- which is a low; then we get into 417 in 2016; a pretty big spike. And then 495, I believe, is the correct number, right?

MS. WAINER APTER: Yes, 495 is the number reported to the FBI. It's not the--

SENATOR CRYAN: It's not your final number?

MS. WAINER APTER: Correct.

SENATOR CRYAN: But those are significant spikes.

Have you guys identified any-- I want to ask about the high school kids -- in particular, the age of 11 to 17, and the incidents -- in a moment. But have you guys -- have you folks identified a specific-- You see the fact that it's increased. Everybody has a hypothesis, at some level. Have you seen any specific data that points to a logical conclusion as to why this has grown; or is it all across the board?

MR. FINKEL: Well, I can't speak to the data or the breakdown. We have not done that kind of analysis.

I will say that if you look at the past Bias Crime Reports, you have a similar percentage breakdown of, like -- the age breakdown, for example. So, I don't think we're seeing-- I think if there's a trend, it's slightly-- Like, all the categories seem to be increasing, but in the same proportion. But we haven't done the kind of analysis that we're identifying, "Here's the factor." So as you say, everybody has a theory, and it's speculation. But we're not in a position to offer that.

SENATOR CRYAN: Do either of you folks have access to the -- is it this-- I think it's called the *School Safety Data System*? Do you guys incorporate that data in here? Because if I read this background stuff right, the majority of incidents -- 50 -- were from young people between 11 -- which makes me question -- but 11 to 17. So I was just curious; does this data incorporate into the analysis the School Safety System at all?

MR. FINKEL: I would have to look and confirm that for you.

SENATOR CRYAN: Okay.

And one other thing -- do you track social media hate? I'm curious; does the AG look-- I'll speak for myself; I've seen more than a few hate things on social media; I'm guessing some of you have too. Do you guys, as a matter of consistency -- whether it's through the ROIC -- do you check social media sites -- do you track pockets?

The reason I ask is that I read where there's five counties that make up 62 percent of these bias crimes, right? To my astonishment, Middlesex is actually first. Is there any correlation to what you track, to the data; anything like that? And do you track the social media stuff?

MR. FINKEL: I know the State Police does keep an eye on the social media stuff; but I don't know how formalized their process is. But I know they do monitor the social media.

SENATOR CRYAN: If it's all right, Steve, through the Chairs, could we request that you get back to the Chairs on that? I think that might be something to follow up.

MR. FINKEL: Absolutely.

SENATOR CRYAN: Okay; thank you.

SENATOR O'SCANLON: Thank you both for being here.

And Chairs, thank you for, again-- I'll echo what Senator Cryan said. Thanks for bringing us together.

I'm assuming we have-- And again, thank you; it's really important work. We like to think we do very important work here; but really, the people out on front lines -- particularly regarding these issues --

it's the real thing, and it must be tough work. But it's important, and I want to thank you for it.

So I'm assuming we have-- I want to get at the increased number of reports of these types of crimes; a disturbing increase. I'm assuming we have an ongoing effort to encourage people to report more and to feel comfortable. You've talked about immigrant, etc. Have we -- can we extrapolate that some of this is because we're doing a better job enabling people to report; versus are there -- is there a spike in these incidents?

Can you comment on that? Is there a way to understand that? Did we increase or enhance our efforts over the last few years? I'm curious as to your opinion there.

MS. WAINER APTER: I think we would love to be able to take credit for the increase; but I don't think that we can.

SENATOR O'SCANLON: That's too bad. (laughter)

MS. WAINER APTER: So for example, the events that I spoke about over the past few months across the state -- the 21 different events addressing bias -- the number one message of all local police and prosecutors at those events was, as you mentioned, report, report, report -- that they cannot possibly investigate anything unless it is reported to them. However, that has been, over the past few months -- that message has been getting out in that many forums; and the numbers -- from the FBI, at least -- are on increase from 2016 to 2017. And so it would not be accounted for in that way.

SENATOR O'SCANLON: Okay, that's unfortunate; but valuable for us to know; essential for us to know.

So lastly, you being right on the front lines -- and again, I'm trying to think about deterrent value, etc. -- I've been through the statutes; so from the safe luxury of the walls of Trenton, it seems as if our statutes are pretty comprehensive. Our punishments are pretty substantial. My question to you is, is there anything we're not getting right? Is there an adjustment in the law -- that we could enhance the law itself to increase the deterrent value? You're right on the front lines; is there something we're missing?

MS. WAINER APTER: I think you're correct -- at least when it comes to the Law Against Discrimination -- that it is very broad. But there are ways that it could be improved, and we are working with the Administration, and would be very happy to work with you on specific proposals to strengthen the Law Against Discrimination.

SENATOR O'SCANLON: I pitch we make -- in contributing to a bipartisan effort with my colleagues on both sides of the aisle, and in both houses. I'd be interested in that.

Thank you very much, again.

SENATOR GREENSTEIN: Just one more question that was brought to my attention.

We have something here in your comments, "Many bias crimes are also acts of prejudice and discrimination that violate the LAD. But the Division on Civil Rights' investigatory authority is not the same as the authority of State and local police."

Do you-- Is there -- do you feel there's a need for more authority in your agency? Is there something you need us to do?

MS. WAINER APTER: So what I was getting at there was actually, just explaining how a civil rights investigation on the civil side differs from a criminal investigation. So as I noted, we are trying to look at -- was there a racially hostile work environment? Was there a religiously hostile school environment? Was there a hostile work environment based on sexual harassment? And if so, was the employer, or the place of public accommodation, or the housing provider doing everything necessary in order to address that?

And so it is different from a criminal investigation, because we are not only looking for who was the individual perpetrator, and should that person be prosecuted criminally; instead, we're trying to take more of a holistic view and look at -- is this something that the institution, the business, the employer knew or should have known about; and if so, then did they take the appropriate steps to address it?

But as I mentioned, we will be -- we are working on potential ways to strengthen the Law Against Discrimination, and we'll be happy to work with the Legislature on those going forward.

SENATOR GREENSTEIN: Thank you very much.

I think-- Thank you; thanks a lot. We appreciate it.

ASSEMBLYWOMAN VAINIERI HUTTLE: I'll see you in Englewood, Rachel; thank you

MS. WAINER APTER: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Next up -- seeing no other questions -- we have Patrick Rigby, Chief of Staff for Mr. Maples, Department of Homeland Security.

Welcome, Patrick; and you have been a regular, I know, in our Committee. You and Director Maples are always here to help assist; so we appreciate that.

Welcome.

SENATOR GREENSTEIN: I do want to make one comment.

I have not been keeping to my own rule that I set. We're going to try to have it timed to have you all at approximately five minutes, leaving some time for the Q&A.

So, thank you.

P A T R I C K R I G B Y: Absolutely; I'll be sure to keep it brief and submit my formal comments at the end.

So I welcome your questions.

So good afternoon, Senator Greenstein and Assemblywoman Huttle. Thank you for the opportunity to testify before you here today.

I'm honored to speak on behalf of the dedicated professionals of the New Jersey Office of Homeland Security and Preparedness, who are working tirelessly to ensure the safety and security of the State of New Jersey.

I first want to state that there is no place for hate in New Jersey. At NJOHSP we value the rich diversity, and faith, and culture that makes our Office, New Jersey, and the United States so special and unique.

As you know, the mission at NJOHSP is to lead and coordinate New Jersey's counterterrorism, and cyber security, and resiliency efforts. That is often dependent upon the crucial relationships and trust that we have built and work to maintain with local communities here in our state.

With these goals in mind, my staff has worked with, and will continue to work with, communities all over New Jersey to improve security and resiliency. Some of these efforts have included offering free services to communities via briefings, site assessments, and training; sharing State-level working groups with common interests and goals, such as the Interfaith Advisory Council; overseeing grant funding to enhance security at nonprofit institutions, such as the New Jersey Nonprofit Security Grant pilot program; as well as administering the Urban Area Security Initiative, Federal grant funds.

We also serve as the repository and information-sharing conduit for reports of suspicious activity and behavior that could be terroristic in nature; as well as cyber security incidents.

So why have hate crimes increased? As the Assemblywoman mentioned, in October of 2018, Robert Bowers, a suspected white supremacist extremist, targeted members of the Jewish community when he entered a Pittsburgh synagogue and opened fire, killing 11 people and injuring 6. It was an attack not only towards members of that congregation, but also against all citizens throughout the United States who should be able to go about their daily lives without fearing for their safety or security at any event or venue.

Over the last year, white supremacist organizations in New Jersey have actively attempted to spread their ideologies and recruit new members throughout the state. Since January of 2018, there have been at least 46 reported incidents of white supremacist propaganda distribution, affiliated with six different groups in nine of New Jersey's 21 counties.

In at least 14 of those instances, white supremacists placed recruitment and propaganda flyers on multiple higher education institutions throughout New Jersey. The flyers included pictures of a group activism, and statements that either attempted to appeal to one's European heritage or generate fear of a perceived injustice. White supremacists, nationwide, are altering their public image to appear less extreme, leveraging perceived fears and rebranding in order to conceal their hatred and ideology.

Since late 2017, a new generation of white supremacist has shifted from a national movement, to disparate groups that concentrate on the alleged political and social interests of the white race.

So what can we do to improve? As we continue our work here at NJOHSP, we recognize that continual improvement is the only way to succeed. Resting on our achievements will not strengthen security. The most effective step we can take, quite simply, is to work to prevent these incidents from ever occurring. We recognize that, across the country, and including here in New Jersey, we must strengthen prevention efforts. The New Jersey Suspicious Activity Reporting System, otherwise known as *NJSARS*, is part of an ongoing effort in New Jersey to increase our threat reporting. *NJSARS* is an information-sharing conduit for which all suspicious activity is collected throughout the state. It is also linked with the FBI's National SAR system, known as *eGuardian*, which partners with the nationwide SAR initiative, the NSI, to form a single repository, accessible to thousands of law enforcement personnel and analysts nationwide.

New Jersey is one of the biggest contributors to the eGuardian repository. We collect and analyze over 1,000 SARS every year, and immediately share these leads with all levels of law enforcement.

We will continue to build these capabilities in the public and private sectors; and we will base our efforts on risk to ensure that we are intertwined with national efforts and focus on a constant cycle of building, training, and exercising critical capabilities.

Created in 2012, the Interfaith Advisory Council provides a venue for government officials and members of the law enforcement community to maintain open dialogue with hundreds of Christian, Muslim, Sikh, and Jewish faith-based leaders throughout New Jersey. The IAC, which has more than 2,000 active members across the state, meets on a quarterly basis, along with representatives from the Attorney General's Office, the New Jersey State Police, the FBI, and local law enforcement.

It is at these quarterly meetings that open communication has strengthened the goodwill between law enforcement and faith-based groups; and is crucial towards keeping religious communities safe and secure in one of the most diverse states here in the nation.

So in conclusion, I would just like to add that, Senator Greenstein and Assemblywoman Huttle -- I want to thank you, again for the opportunity to testify with you here today.

I'm happy to speak a little bit more about any of the grant opportunities, as well as any of the specific incidents that we've laid out.

We also recently released our Annual Threat Assessment, which is available on our website. I know I shared it with the

Assemblywoman and her staff; and Senator, I'm happy to pass it to your team as well.

And I yield back the remainder of my time.

Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you; thank you, Patrick.

Before I take questions -- just to clarify. We know this is part of the Homeland Security Committee, but when you say you share with local law enforcement-- Let's say, for example, there's an issue -- a swastika in a school, on a school locker; or a headstone toppled. Who gets the first call, the local police, and then-- When do you get involved, as State Homeland Security?

MR. RIGBY: Absolutely; that's a great question.

So our school of thought is, over-reporting is better. So any law enforcement officer -- local, county, State, Federal -- if there is a perceived threat or an incident, we encourage that information to be shared to any law enforcement. They will push it up. So for example, in our office we have something called the *Counterterrorism Watch Unit*, which is -- essentially, we report suspicious activity. Folks on the local level, the county levels -- if they are not sure if it's a bias crime or terroristic crime in nature, we have analysts working 24/7 -- watch officers -- who will make that call. And if it is a bias incident, we'll defer to the Attorney General's Office, to their Bias Crimes Unit, and they will pick it up from there.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

Questions from--

SENATOR GREENSTEIN: Senator Gill.

SENATOR GILL: Thank you.

Sorry, I was late.

What is a suspicious activity? What constitutes a suspicious activity?

MR. RIGBY: It's a great question.

So in the most simplest form, we encourage folks that if they see suspicious activity-- And how is that defined? Members of the community are our best and first line of defense. So in this context, speaking about religious institutions or schools, if something feels out of place, that isn't right--

SENATOR GILL: Let's say neighborhoods.

MR. RIGBY: Neighborhoods; sure.

SENATOR GILL: I can understand institutions. Let's say there's somebody of a different ethnic background in the neighborhood who is not normally in that neighborhood; and someone calls up. Is that considered suspicious activity?

MR. RIGBY: No, ma'am.

SENATOR GILL: Okay; then what is considered a suspicious activity?

MR. RIGBY: So we refer to *behavioral indicators*. So it is not the color of your skin, or your religion, or your gender that we focus in on; it is a matter of what activity is a perceived threat or a concern. So we look at behavioral indicators.

SENATOR GILL: Okay. So if there is someone in the neighborhood and someone calls up, that reporting would not go up the chain of command as a suspicious activity.

MR. RIGBY: Correct, ma'am.

SENATOR GILL: Okay; you would have to have something more than presence in a place where you normally may not find someone.

MR. RIGBY: Yes, ma'am.

SENATOR GILL: Okay.

And when you do that reporting for suspicious activity, is the name -- do they identify people by name, who are alleged to have participated in what has been determined as a suspicious activity?

MR. RIGBY: Sure. So we -- all reporting is optional to be anonymous. So if somebody is calling and they're not sure if something is out of place--

SENATOR GILL: Oh, not the person who's calling; but do you go and identify the person who was alleged to have participated in suspicious activity?

MR. RIGBY: If there's a name included with that individual-- Again, we work on behavioral indicators; but if somebody is known, and they have a name that is shared with us, we will review it. But if there is no nexus to terrorism, there is no need for an investigation. We log it all in our CT watch.

SENATOR GILL: And so would the name be logged in -- and this is just my last question -- would a person's name be logged in even if they were found not to rise to the level of suspicious activity after you have investigated?

MR. RIGBY: Okay; good question. I understand where you're going.

Okay, so all information that is shared with us we record, to make an incident report. But if there's no determination if there's a threat, then that is not counted, no.

SENATOR GILL: And so the person's name is not kept even--

MR. RIGBY: No.

SENATOR GILL: Okay, that's what--

Thank you very much.

MR. RIGBY: You're welcome.

SENATOR GILL: Thank you.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Just a quick question.

On the SARS reports -- right? -- which can be anything from somebody taking pictures of a refinery -- right? --

MR. RIGBY: Absolutely.

SENATOR CRYAN: --to anything in between, as I remember.

I have a question for you. So the counties with the most biased incidents in 2016 -- Middlesex, Monmouth, Ocean, Gloucester, and Mercer. Did the SARS reports data-- Is there any correlation, from your standpoint, to that kind of data whatsoever? I understand one is SARS and one is bias.

MR. RIGBY: Right.

SENATOR CRYAN: I'm just curious if there's any sort of correlation.

MR. RIGBY: So Senator, that's a great point.

We have data that I can share with you in an appropriate setting. I don't want to get into the specific figures, and in data; but I'm happy to share that with you, because we do have something similar to a

heat map, where we can break it down for you, as to where those SARS are coming in from.

SENATOR CRYAN: I'll leave it at that; thanks.

MR. RIGBY: Thank you.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Patrick, I have a quick question.

I should have asked, I guess, Rachel.

Crimes committed online, or bias crimes online -- are they any different than the physical world; and do you handle that as well?

MR. RIGBY: So we would defer any bias crime to the Attorney General's Office. We, at our office, have the New Jersey Cybersecurity Communication Integration Cell, also known as the *NJCCIC*, where we're actually the central -- the one-stop shop for all cyber security-related issues and security here in New Jersey. If there was an incident, we would defer to the Attorney General's Office. If there was a nexus to terrorism, we would pursue that.

ASSEMBLYWOMAN VAINIERI HUTTLE: Okay, thank you.

SENATOR GREENSTEIN: Thank you very much.

MR. RIGBY: Thank you so much.

SENATOR GREENSTEIN: We appreciate it.

Okay, the next person we're going to have is Carolyn Marano, from the State Department of Education; with a few of her colleagues.

And Carolyn, what is your title? Deputy Commissioner?

CAROLYN J. MARANO: Assistant Commissioner of Education.

SENATOR GREENSTEIN: Yes.

MS. MARANO: Thank you.

SENATOR GREENSTEIN: And just identify your colleagues, too.

MS. MARANO: I will; thank you.

Good afternoon, Senator Greenstein, Assemblywoman Huttle, and members of both Committees.

It's an honor for me to appear before you today.

Joining me are the following members of my leadership team. To my far left is Kathy Ehling, Director of the Office of Fiscal and Data Services; here to my left is Kelly Williams, Director of the Office of Student Support Services; and to my right, Dominick Rota, Director of the Office of Special Education, Policy, and Dispute Resolution.

My remarks today will focus on the efforts of the Department of Education to help schools establish positive school culture and climate, thereby responding to and helping prevent bias-motivated incidents.

Our work is designed to ensure that school settings are welcoming, tolerant, and safe. Teachers, administrators, boards of education, and the greater school community all play a role in helping prevent the spread of hate and reduce the frequency of bias crimes in our schools.

Under Commissioner Repollet's leadership, the Department of Education continues to identify ways to assist and provide support to schools in their efforts to maintain safe and tolerant environments for all students and staff.

For the 2017-18 school year, the Department established a new data reporting system, the SSDS, or *Student Safety Data System*. This

enhanced system makes it easier for schools and districts to collect and report student safety and discipline data. The SSDS replaced two systems that separately collected data on the incidents of violence and vandalism, as well as acts of harassment, intimidation, and bullying. This improved system now captures information that is required for Federal and State data collection. The new system is more user-friendly than prior systems, and contains built-in data quality checks.

Commissioner Repollet reminds us that systems produce outcomes. This is true; it is also true that good data in leads to good data out. Collecting and reporting accurate and complete incident and student discipline data enables school leaders to develop targeted programs to reduce incidents unique to their school communities. As a result of the new reporting system, the Department anticipates that the most recent data may result in higher reporting. Accordingly, we will be treating the 2017-18 school year as a baseline here.

I'll now discuss school culture and climate, because research demonstrates that, among other things, a positive school climate reduces bullying and acts of violence, and improves academic achievement.

The Department helps schools implement New Jersey's Tiered System of Supports, or NJTSS. NJTSS provides a variety of academic and behavioral interventions to all students. Additionally, the Department works with schools to address student behavior through the Positive Behavior Supports in Schools Initiative, PBSIS. We like initials. PBSIS is a data-driven, tiered system of positive behavior supports to address challenging student behavior. PBSIS seeks to improve school climate, and reduce student suspensions and discipline referrals. PBSIS uses a three-

tiered model of interventions to achieve these outcomes. These tiers include universal interventions based on behavioral expectations for all students and staff; small group and individual supports for students with repeated behavior problems; and individualized intervention and supports for students with the most intensive needs.

Additionally, the Department of Education has partnered with Rutgers University to provide training and coaching to identified schools, to improve climate through data-driven decision-making. Participating schools receive tailored training from Rutgers faculty. Moreover, these schools utilize the New Jersey School Climate Survey, a free research-based tool to collect responses from students, staff, and parents, in order to assess conditions for learning. Schools are then able to develop Climate Improvement Plans based on the feedback from the survey.

The Department also works closely with the New Jersey Amistad Commission and the New Jersey Commission on Holocaust Education. The Amistad Commission ensures that African American history, contributions, and experiences are adequately taught in New Jersey classrooms. Similarly, the Commission on Holocaust Education promotes Holocaust and genocide education in our schools.

The resources and curriculum guides provided by these Commissions address issues of bias, prejudice, bigotry, and bullying. Teaching tolerance, recognizing prejudice, and grasping the consequences of ignoring bias, encourages students to take personal responsibility in combatting all types of prejudice.

Given their unique expertise in understanding the historical context of tolerance, bigotry, and hate speech, the Department often refers districts to these Commissions.

As you can see in the packet provided to you, the Department also encourages schools to promote social and emotional learning, or SEL, which is the process by which children acquire and apply attitudes and skills to, one, understand and manage their emotions; two, feel and show empathy for others; and, three, make reasonable decisions. Students in SEL programs are more likely to attend school, more likely to receive better grades, and less likely to violate their student codes of conduct.

The Department's SEL competencies and sub-competencies are designed to provide students with the skills they need for success now, and in post-secondary education careers in adult life.

Under Commissioner Repollet's leadership, the Department continues to support districts in the development and implementation of SEL programs. We are excited for the Department's first statewide social and emotional learning conference for teachers and administrators, which will be held on Thursday, May 23, on the Rutgers-New Brunswick campus.

School environments are a reflection of our society. How students act inside the school building is, and always has been, related to factors outside the school building. Social media platforms have become a large part of the fabric of our society. We must help our students, faculty, and staff successfully navigate the ever-growing world of social media.

SENATOR GREENSTEIN: Commissioner, can I ask you to wrap it up?

MS. MARANO: Yes, I'm done.

SENATOR GREENSTEIN: Thank you.

MS. MARANO: Okay.

This requires us to consider policies that help keep our students safe and secure before, during, and after the school day. Because of social media, we recognize that students have seemingly unlimited access to one another and the outside world 24/7. We must ensure there are enough guardrails to keep our children safe.

In closing, we at the Department recognize our role in helping schools improve the culture and climate in school communities. We will continue to support schools as they implement programs that embrace tolerance and reduce bias.

Thank you.

SENATOR GREENSTEIN: Thank you, thank you.

These folks (indicates) didn't have -- were not going to speak.

MS. MARANO: They're not; they're here in case you have a question.

SENATOR GREENSTEIN: Okay, thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: It made her nervous. (laughter)

MS. MARANO: I'm sorry.

Oh, no, no. No, I try to follow the rules.

ASSEMBLYWOMAN VAINIERI HUTTLE: That's why she told you to wrap it up.

SENATOR GREENSTEIN: No, no. no.

MS. MARANO: I did.

SENATOR GREENSTEIN: We've been telling everyone.

But I did have a question.

MS. MARANO: Sure.

SENATOR GREENSTEIN: I know you addressed a little bit -- the whole issue of bullying.

MS. MARANO: Yes.

SENATOR GREENSTEIN: I think that some of our folks here from--

ASSEMBLYWOMAN VAINIERI HUTTLE: Will you give me credit for the Bill?

SENATOR GREENSTEIN: Absolutely.

ASSEMBLYWOMAN VAINIERI HUTTLE: Okay, great.

SENATOR GREENSTEIN: This was our sponsor (laughter); absolutely. Valerie Huttle, sponsor of the Bill, for sure; and did a lot of hard work on it too, over the years.

I was just wondering how the Department feels that's working out in the schools, because some of the groups that are here will talk about how students feel -- still feel bullied in the schools.

MS. MARANO: Yes. So we have a system in place, and we encourage schools. We have a reporting system in place, as you know; an HIB specialist in each building.

We are, depending on the information that we get from the schools-- In our new reporting system, this SSDS, we'll be looking and we'll be analyzing the data. Kathy Ehling, actually, has -- her Department is now about fiscal and data; and we can take a closer look and provide resources and support. Districts function, you know, at their own level; but we are

anxious and comfortable about what we know and how we can help make it better.

SENATOR GREENSTEIN: Thank you.

Questions?

ASSEMBLYWOMAN VAINIERI HUTTLE: Quick question.

When you have the School Climate Survey--

MS. MARANO: Yes.

ASSEMBLYWOMAN VAINIERI HUTTLE: I'm surprised-- Because when we did the Anti-Bullying Bill of Rights bill -- back in 2013, I think it was -- I think most of the students were being bullied -- whether it was, probably, gender identity-- But when you see swastikas now on lockers-- And I don't know if you have the survey, but what is the type of bullying these days? Has it evolved into more of a hate crime and bias?

And also, in addition, I'm glad you're incorporating, into the curriculum, age appropriate; because when children are educated and informed, there's less bias. And I'm happy to say that the LGBTQ curriculum has been signed into law, and I'm hoping that--

MS. MARANO: That came out of our shop.

ASSEMBLYWOMAN VAINIERI HUTTLE: --you, along with the Commissioner, implement those regs quickly--

MS. MARANO: Right.

ASSEMBLYWOMAN VAINIERI HUTTLE: --because we waited a long time for the Department of Education to clarify the regulations for the Bullying Bill.

MS. MARANO: Right.

ASSEMBLYWOMAN VAINIERI HUTTLE: So I'm hoping that that goes into the curriculum--

MS. MARANO: It's happening--

ASSEMBLYWOMAN VAINIERI HUTTLE: --in 2020--

MS. MARANO: --almost as we speak.

ASSEMBLYWOMAN VAINIERI HUTTLE: --and hopefully, that will alleviate some of the issues.

But I'm just looking at the hate and bias. How did this-- Is it exploding in the schools, compared to the old bullying? I don't know; do you have the statistics?

MS. MARANO: In terms of the-- So the self-evaluative sheets are for districts to begin to look at what they can do on their own. The information that we have is about differences. So we can talk, if you'd like, offline, on more specific stuff.

ASSEMBLYWOMAN VAINIERI HUTTLE: Sure.

MS. MARANO: I can share some things with you. But it varies from school to school, from age to age, place to place.

ASSEMBLYWOMAN VAINIERI HUTTLE: Right.

MS. MARANO: We recognize that these are tremendous issues that we need to help schools deal with.

SENATOR GREENSTEIN: Just a quick question.

Do you feel it might be social media-driven; that that might be a change since 2013? Or you don't have the data yet?

MS. MARANO: We don't have the data; but I think most of us are in agreement that that's an enormous part of what happens. The school day doesn't end. Back in the old days, even if someone was not

being kind to you, they might say something -- they might write something on your locker. In my neighborhood, they might throw a brick through your window. (laughter) But the truth of the matter is, that it doesn't stop now.

SENATOR GREENSTEIN: Right.

MS. MARANO: And so schools have -- they have their rules and regulations in place, but it's very hard to monitor.

SENATOR GREENSTEIN: Questions?

SENATOR CRYAN: Two quick ones.

SENATOR GREENSTEIN: Okay, Senator.

SENATOR CRYAN: How many students in New Jersey Public Schools; 1.3 million?

MS. MARANO: We use 1.4 million--

SENATOR CRYAN: About 1.4 million.

MS. MARANO: --as our number.

SENATOR CRYAN: In the 2017-2018 data you collected, Kathy, for the SSDS, any outlier data; anything that jumps off a page that maybe members of the Committee should know?

KATHLEEN EHLING: So 2017-2018 was the first year that we collected.

SENATOR GREENSTEIN: Could you please identify yourself?

MS. EHLING: Oh, sorry; Kathy Ehling, Department of Education.

So 2017-2018 was the first year that we collected separate information related to bias intimidation, which are incidents that require

police. So if the school refers the incident to the police, then they are required to give us that information. So for that year, there were 107 reports. So we will know, moving forward; we don't have any trend data. As I said, that's the first year that that was reported; but moving forward, we will know and be able to look, you know, more specifically, as Carolyn said, at what districts are reporting that information.

SENATOR CRYAN: Did the 107-- Like, was there an area of-- You know, did anything, from a contextual look at it, say--

MS. MARANO: Senator, the report is not quite ready. It'll be ready soon; when the Commissioner reviews it, he'll send it to the Legislature. That's for the 2017-2018--

SENATOR CRYAN: Okay.

MS. MARANO: That's the new data; and we're expecting it very soon to be ready and prepared for you.

SENATOR CRYAN: Okay; well, that answers who got the data. That was my other question.

MS. MARANO: You'll get it soon; yes.

SENATOR CRYAN: All right; thank you.

MS. MARANO: You're welcome.

ASSEMBLYWOMAN VAINIERI HUTTLE: Assemblyman Benson.

ASSEMBLYMAN BENSON: Thank you so much, and thank you for that data.

Just two quick questions on statements that you made.

Your Rutgers University partnership sounds wonderful; 30 schools. How did those 30 schools get picked?

MS. MARANO: The reason why it's in my written testimony, but I didn't say it is, it gets a little confusing.

So the 30 schools-- it's more than 30; They actually are more than one-year-assigned.

ASSEMBLYMAN BENSON: Okay.

MS. MARANO: So it's incremental. They go through a series of questions. We look at all of their statistics, including chronic absenteeism, and their violence and vandalism -- all of those things--

ASSEMBLYMAN BENSON: And they all use the Climate Survey; I assume more schools are using the Climate Survey than just those 30?

MS. MARANO: That's correct. Because everybody is not quite part of this yet, we're looking--

ASSEMBLYMAN BENSON: Is everyone using the Climate Survey yet?

MS. MARANO: Not everyone.

ASSEMBLYMAN BENSON: Okay.

MS. MARANO: We're encouraging people to do--

ASSEMBLYMAN BENSON: Is that something you are encouraging--

MS. MARANO: That's correct. And I'm not averse to picking up the phone and saying, "Hey, we're looking at your data; take a look at that."

ASSEMBLYMAN BENSON: Okay; because, I mean, one of the concerns is, obviously, depending on the climate, students may not feel--

MS. MARANO: Correct.

ASSEMBLYMAN BENSON: --safe enough to report.

MS. MARANO: We understand.

ASSEMBLYMAN BENSON: So having the Climate Survey, that goes somewhere else, it may be helpful.

MS. MARANO: And in working with Rutgers, and the experts there, it's really helpful for us to target-- We get many, many applications; and we have to-- Because our resources are limited as well, we have to figure out where to go. But we don't just say "goodbye" when you're not chosen as part of that group.

ASSEMBLYMAN BENSON: And then second, we've talked a lot of, kind of, bullying and bias from student-to-student. It's probably more uncomfortable to talk about staff-to-student, but we know that continues and we'll see it, once in a while, in the papers. But I think it's a genuine problem.

I think what you're doing with Rutgers included training for locating bias--

MS. MARANO: Yes, sir.

ASSEMBLYMAN BENSON: --and that covers that.

MS. MARANO: Yes, sir.

ASSEMBLYMAN BENSON: Are we doing more with staff training now? You know, I was really excited to see the Bill passed for LGBTQ training and having the curriculums.

MS. MARANO: Yes.

ASSEMBLYMAN BENSON: But I worry, sometimes, about the folks who are going to be teaching the curriculum.

MS. MARANO: Yes; and I think that you'll find that Commissioner Repollet was a practitioner.

ASSEMBLYMAN BENSON: Right.

MS. MARANO: I was; the people at this table are; and that we know what it's like to work in buildings, and we know where some of the issues may occur. And so that's always a part of the conversation that we have.

ASSEMBLYMAN BENSON: And that's true for new teachers, as well as teachers who have been around. This is not a--

MS. MARANO: "Watch out for the teachers room;" yes, sir.

ASSEMBLYMAN BENSON: A lot of times they just assume it's a-- And it's not just teachers. There are other staff that may be coming in with differences.

MS. MARANO: That is correct; we consider all of that. That's a very important part of what we do. We look at the whole child; we look at the whole building as a second home for children.

ASSEMBLYMAN BENSON: And then one last comment, or question.

Because the student day does not end, and because students generally are with social media 24/7 these days, have we looked at an app approach, or something, where folks can report bias crimes, or other, just, intimidation or bullying, when it happens -- with the simple push of a button on a phone or other things? Because, oftentimes, it might feel easier to push a button and report that, than to actually have to go to a teacher or a staff member, where they may not feel that it's going to get reported correctly.

MS. MARANO: So we have a couple of different e-mail -- anonymous e-mail addresses--

ASSEMBLYMAN BENSON: Sure.

MS. MARANO: --but I think that's a great idea.

ASSEMBLYMAN BENSON: Okay.

MS. MARANO: Yes, thanks.

ASSEMBLYMAN BENSON: I'd be happy to work with you on that.

MS. MARANO: Yes, thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: We're all happy to work with you on that.

SENATOR GREENSTEIN: Thank you.

Senator Gill.

SENATOR GILL: No, I-- Thank you.

SENATOR GREENSTEIN: Oh, okay.

Senator O'Scanlon? Nobody?

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes, Assemblywoman Reynolds.

ASSEMBLYWOMAN REYNOLDS-JACKSON: I just had a quick question.

We talked about the students in the building. What about in the athletic departments and on the field? Oftentimes we hear of a lot of bullying and intimidation that happens, whether it's athlete-to-athlete, or coaches and things like that. How are we able to capture that type of information?

MS. MARANO: We actually do it in the same way. I didn't specify that. But again, as we look at the whole picture -- we are an involved DOE. And again, having had that experience -- for example, you know, Dr. Williams here has -- she supervised and she was in an athletic department. We feel that we know where we should make sure that we get into places that maybe had not been gotten into before. So we do encourage all of that. I was just with Commissioner when he spoke to a group of phys ed teachers, particularly about SEL and how important all of this is.

So we're trying.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Thank you.

MS. MARANO: Yes, thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you.

MS. MARANO: Thank you, everybody.

SENATOR GREENSTEIN: We appreciate it.

ASSEMBLYWOMAN VAINIERI HUTTLE: A great panel.

SENATOR GREENSTEIN: Yes.

Okay, the next person-- Brian Sinclair, from the Bergen County Prosecutor's Office; along with -- is it Vered? I don't have a last name.

V E R E D A D O N I, Esq.: Adoni.

SENATOR GREENSTEIN: What is it?

MS. ADONI: Adoni.

SENATOR GREENSTEIN: Adoni; Vered Adoni, from that office.

Thank you.

To give us the criminal side of what we heard from the Attorney General's Office.

BRIAN SINCLAIR, Esq.: Yes.

Distinguished members of the Assembly and Senate, my name is Brian Sinclair; and this is my colleague, Vered Adoni.

We have seen bias, hatred, and intimidation. We have seen these things because we're Assistant Prosecutors, and have prosecuted cases where victims were targeted simply because of the color of their skin, or because they loved someone of the same sex, or because they prayed to a different God, or believed in a different religion.

Let me tell you about one case in particular.

In December 2011, and in January 2012, two men targeted people of the Jewish faith in Bergen County. They attacked synagogues in Maywood, Hackensack, Paramus, and Rutherford. Their campaign of intimidation began with cans of spray paint that they used to scrawl their anti-Semitic messages on those houses of worship.

They painted white supremacist slogans, wrote things like, "Jews did 9/11," and painted swastikas -- those incredibly powerful and hurtful symbols of hate -- on the synagogue sign out front, on the pavement leading up to the front door, and on the front door itself, so that every congregant would need to see that symbol just to go pray.

And when these acts didn't generate enough fear in their victims, the men changed their weapon of choice from a can of spray paint to a fireball. In early 2012, these men targeted additional synagogues; but now the attackers were armed with Molotov cocktails -- crude weapons, but

firebombs nonetheless. Empty bottles filled with gasoline or another flammable liquid, they were used to damage synagogues in Paramus and Rutherford. And the attack on the synagogue in Rutherford was particularly dangerous, because the building was more than a house of worship; it was also a home.

Nine people were in that house of worship when it was attacked, when fire bombs were thrown from one of the attackers at that synagogue. Rabbi Schumann was asleep in his bedroom above the synagogue when a fireball crashed through his bedroom window. He later described the fire that shot across his room as being like a dragon's breath.

Luckily, the Rabbi's family survived, and the fires were extinguished. And law enforcement obviously responded the way we know how to. We mobilized and hunted these individuals down. And that hard work paid off. Days later, authorities arrested Anthony Graziano; and Graziano's arrest led to the arrest of his co-conspirator, Aakash Dalal. And if there was any doubt about why these men attacked people of the Jewish faith, those doubts were answered when law enforcement officials located chat communications on their computers. Those chats detailed their month-long campaign of intimidation. They detailed how they would watch the news coverage as it occurred as their attacks unfolded, and how they laughed that the congregants of these synagogues were "shaking in their Jew boots," as they put it. They discussed picking the Rutherford synagogue in particular, because it was made of wood and might burn better.

A chat discussed an interest in killing a Jew. In one chat, one of the individuals expressed an interest in becoming the next Fuhrer.

These criminal acts were not just treated like crimes. They were prosecuted like acts of intimidation and terror.

I'm happy to report that two separate juries found these defendants guilty of bias-related crimes. These men ultimately had to answer for the hateful symbols that they scrawled on the synagogues, and for the arson attacks that were made on these houses of worship.

They were also convicted of domestic terrorism, the first trial verdict of its kind in the state.

And that might sound like a victory; but, unfortunately, it's not a complete one. While law enforcement rose to the occasion to find, charge, and prosecute these two men, as we've talked about today these bias-related offenses are, unfortunately, not isolated. You see, bias crime is on the rise. And I heard the statistics being mentioned before; but according to the FBI's report, it actually shows 7,175 bias crimes in 2017 being reported, with over 8,000 victims who were selected because of their race, gender, religion, or sexual orientation.

And my colleague, Vered Adoni, who came with me, is going to speak more about how our law can be improved.

Thank you.

SENATOR GREENSTEIN: Thank you.

MS. ADONI: Good afternoon, members of the Committee.

My name is Vered Adoni, and I'm the Chief of the Bias Crimes Unit of the Bergen County Prosecutor's Office.

I have been in charge of the Bias Crimes Unit for almost a decade; and during those years, in addition to prosecuting bias crimes, I have devoted a great deal of time to studying the New Jersey bias

intimidation statute; researching our case law, as well as the laws of other states.

I've spent a substantial amount of time teaching our bias statute to prosecutors, police officers, and members of the community around the state.

Needless to say, I'm very familiar with the bias intimidation statute. For lack of a better term, I have dissected the statute in every way possible. Overall, it is specific; it provides notice; and it is fairly easy to understand and follow. It clearly lays out the prohibited conduct.

But having said that, there are three areas in the statute that require change.

The first change that needs to be made-- In 2015, the New Jersey Supreme Court, in *State v. Pomianek*, held that subsection (a)(3) of the statute is unconstitutionally vague. It stated, and I quote, "Subsection (a)(3) focuses not on the state of mind of the accused, but rather on the victim's perception of the accused's motivation for committing the offense."

Under subsection (a)(3), a defendant may be found guilty of bias intimidation even if he had no purpose to intimidate, or knowledge that his conduct would intimidate, a person because of the person's race, color, religion, and so on. As the Supreme Court put it, "An innocent state of mind is not a defense to the current subsection (a)(3) prosecution; rather, the defendant is culpable for his words or conduct that led to the victim's perception, even if that perception is mistaken.

"The defendant is culpable, not based on what he was thinking; but rather, on his failure to appreciate what the victim was thinking."

The current bias intimidation statute still contains subsection (a)(3). This subsection does not only affect a prosecution of a suspect, but also the investigation. A law enforcement agency may continue to charge defendants under this subsection, thinking the perception of the victim is an element of the offense. This subsection should, therefore, be struck from the statute.

My second proposed change is actually an addition to the statute; and I believe Assemblywoman Huttle, you touched upon it. When the bias intimidation statute was enacted following *Apprendi v. New Jersey*, in 2002, the crime of cyber harassment, under 2C:33-4.1, was not yet a crime in our state. Cyber harassment became law in 2014.

One need not speculate that the enactment of the cyber harassment statute -- which criminalizes harassing conduct that is done through electronic devices -- is in response to the proliferation of electronic devices and social media. We now need to bring the bias intimidation statute up to speed as well. Cyber harassment should be added to the list of predicate crimes and offenses listed in 2C:16-1a.

Statistically speaking, in the State of New Jersey, harassment accounts for the majority of all bias incident offenses. And harassment is a predicate crime, but not cyber harassment.

Currently, however, a person who commits bias-motivated cyber harassment cannot be penalized under the bias intimidation statute, because cyber harassment is not an enumerated offense. Knowing this, in today's day and age, when the use of electronic devices and participation in social networks is an integral part of people's lives, bias intimidation cyber harassment should be criminalized.

And the last one -- I would like to point out that while subsection (f) of the statute contemplates additional penalties for bias offenders, in reality, at least in Bergen County, those penalties have not been able to be implemented. More specifically, the statute states that upon a person's conviction of bias intimidation, a court may order the offenders to "complete a...program on sensitivity to diverse communities;" or "complete a counseling program intended to reduce...antisocial behaviors;" or "make payments...to a community-based program or local agency that provides services to victims of bias intimidation." These are the words of the statute.

Unlike in the domestic violence world, for example, where the alternative to domestic violence counseling is well-established and is available to DV offenders; or in the drug offenses world, offenders can avail themselves of various established substance abuse programs -- there are no similar programs for bias intimidation offenders.

There is one I can speak of, and that's the TEAR program -- Tolerance, Empathy, Acceptance and Respect, designed--

SENATOR GREENSTEIN: Ms. Adoni, can you just wrap it up, if you would?

MS. ADONI: Yes.

SENATOR GREENSTEIN: Thank you.

MS. ADONI: --designed for juvenile bias intimidation offenders, but no such program is yet established for adults.

In closing, I would like to say that there is no secret that bias incidents are on the rise, and they occur throughout our county, state, and nation. As a result, victims and their communities have been gripped by

fear, tension, and uncertainty. The tone of today's bias-motivated act is quite different from what it used to be; and the bias crime statute, therefore, should reflect the change.

Thank you.

SENATOR GREENSTEIN: Thank you; that was wonderful testimony.

Did you say you have an extra copy?

MS. ADONI: I do.

SENATOR GREENSTEIN: Could you provide it to Ms. Whitbeck from OLS, and we'll get some legislation together. Anyone on the Committee who would like to be on it--

MS. ADONI: Sure.

SENATOR GREENSTEIN: --and I'm sure most will. Because you've actually told us about some specific deficiencies in the law, and we legislators like to hear about that.

So thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Very quickly -- what did those men get for the Rutherford fire? What did they get, as far penalties? What are they serving? What was their sentence?

MR. SINCLAIR: Thirty-five years, Assemblywoman.

ASSEMBLYWOMAN VAINIERI HUTTLE: Okay.

MR. SINCLAIR: Thirty-five years for each of them. We asked for a lot more; but that was the ultimate sentence.

They were rather young men. But what always frightens us, as prosecutors, is when we have dangerous young criminals. Even when you

see a very, very heavy sentence, they're going to get out in their 50s and maybe be even angrier and still have these feelings.

SENATOR GREENSTEIN: Yes.

MR. SINCLAIR: And that's rather scary.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

MR. SINCLAIR: You're welcome.

If I could just add one quick thing.

I would also look at false reporting -- false alarms, specifically -- if you're looking at other statutes. I can tell you that I've run Cyber Crimes for about 12 years; and about three years ago there were a rash of swatting incidents that applied not only to public schools, but many, many, many Jewish schools were targeted. And that is not a predicate offense; and yet, I don't understand why it wouldn't be.

So I would-- If you're going to look at that, 33-3, I think, is another place to look.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you.

MR. SINCLAIR: Sure; of course.

SENATOR GREENSTEIN: Any questions?

Declan.

SENATOR O'SCANLON: Real quick.

I'm glad we're doing this, because we should say to you, and to anyone else on the front lines -- not just about bias incidents, but other areas where we have deficiencies in the law -- in a bipartisan way, we want to hear from you. How can we fix it? Don't let it go; don't wait for the next hearing. There's, really, receptiveness.

So, just real quick, on the cyber harassment.

So if I, face-to-face, harass you, that's a predicate-- I think the word I'm--

MS. ADONI: Predicate offense, yes.

SENATOR O'SCANLON: Thank you; I won't try to use it again. (laughter)

But if I text you--

MS. ADONI: So you'll be liable for cyber harassment, but not under the bias intimidation statute--

SENATOR O'SCANLON: Got it.

MS. ADONI: --because it's not an enumerated offense.

SENATOR O'SCANLON: How about if I do it over the phone; is that electronic communication, or is that a--

MR. SINCLAIR: I would think that would be a harassment. Cyber harassment specifically talks about being online or over the Internet. So, I guess, hyper-technically, we could make arguments about it.

But for the most part, I think you're on the right theory there, which is that if -- many things done face-to-face are now within the statute, but not if I do the same thing in an online post, a text message, or an e-mail.

SENATOR O'SCANLON: I'm looking forward to participating, in a bipartisan effort, with you to close that loophole; as well as the swatting incidents. And let us know; give us a memo, through the Chairs. I'm looking forward to participating in that.

Thank you.

MR. SINCLAIR: Thank you.

SENATOR GREENSTEIN: Anybody else on this side, questions? (no response)

Do you have any on yours?

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you, my Bergen County team. I'm very proud.

MS. ADONI: Thank you.

SENATOR GREENSTEIN: Do you have that copy that you can give us now?

MS. ADONI: Yes.

SENATOR GREENSTEIN: That would be terrific.

Thank you so much.

MR. SINCLAIR: Thank you so much.

SENATOR GREENSTEIN: We're going to, now, I guess, move into a very quick session to do the Bill -- the Resolution -- because we promised to do it at 2:30.

And then the next speaker after that will be Dr. Joel Finkelstein.

(confers with staff)

Okay, we are going to have another speaker right now. Dr. Finkelstein, are you here? And then we'll do the vote.

And what I wanted to say -- I just want to do a little disclaimer, I guess; maybe Dr. Finkelstein was going to as well.

If people are personally offended, you may hear some language here that might be-- You know, because Dr. Finkelstein is very deeply into the use of language on social media. So I'm just putting it out there, so anybody who's sensitive would be prepared.

Now, in addition we have slides. So any of you should move to where you can see the slides, because his presentation is based on that. It's extremely interesting, and I think you're going to want to see it. So just move your seat so you can be sure to see it.

I think you are all going to want to see these; so if you can't see the screen, do move in that direction.

J O E L F I N K E L S T E I N, Ph.D.: Thank you so much, Senator, and thank you all for hearing my testimony today.

So I should add to what the Senator's warning is, because this is-- What you're going to see -- it's not just you'll hear some things you don't like; you're going to see things that are visually gruesome.

And so for those who have soft stomachs and don't like getting into the heart of these things, I suggest that now would be a good time to, sort of, take your leave.

So in spite of that, I'm actually here with what I think is an optimistic message. And I know that sounds like it's a contradiction in terms, because I'm promising you that I'm going to show you some of the most horrible things that we could see.

But in spite of that, that is actually the source of my optimism; Because we, as humans, are pretty good at figuring out how to deal with problems when we can actually see them. And when we are capable of seeing them, then the results, that were controlled by things we don't fully understand--

SENATOR GREENSTEIN: Doctor, can I ask you, before you go further, can you very, very briefly identify yourself, the name of your group; just a short thing on your background.

DR. FINKELSTEIN: Sure.

So my name is Dr. Joel Finkelstein; I'm a graduate of Princeton University. My background is in psychology and neuroscience.

And I'm the Director of an organization called the Network Contagion Research Institute, which is a 501(c)(3) public benefit corporation here in New Jersey. And my organization uses machine learning to track, expose, and combat hate on social networks. We have the largest collection of data on hate, that I know of in the world, on social networks.

And so I'm here to show you some of our findings and, hopefully, be able to connect some of the pieces from previous testimonies.

(references his PowerPoint presentation)

So this is my team; that's me on the left, when I was a bit younger. Mikey Cohen is right next to me; he is the architect of a platform many of you use, called Netflix. And next to him is a Professor of Physics from the University of Illinois, Barry Bradlyn; and finally, at the end, there's Jeremy Blackburn, who's a Professor of Computer Science at the University of Alabama, who studies hate online.

And the four of us got together a couple of years ago because I think, like many of you, we noticed that something was happening to the deterioration of our norms in civil society. And I think the question for us is: Where is this coming from? And I think the obvious answer to most of us is, it's obviously happening on social media; but that, obviously, the thing that's happening to us has to do with this new channel of information that we're not used to managing. And the result is that it's afflicting our norms in ways we can't anticipate.

And so this is an example of how we can't anticipate that. The incident that occurred in Pittsburgh -- it's not a bug that this happened. It's a feature of what's happening to us.

Now, I want you to stretch your imagination to imagine that these kinds of eruptions that we're seeing all around us -- of violence that are leaching from-- They're actually symptoms; these are actually symptoms of a disease. And it feels like this is something we can't manage, because we're not unique in being a legislative body here that's dealing with this. Obviously, this is happening in every state; all the states are having these problems. The things that are happening aren't necessarily local; there's something in the air.

Okay, so where is this incubating? What are we missing here? Why can't we seem to get our hands around this layer of organization that's causing this?

Well, the thing about Pittsburgh is-- And here I'm going to turn to Dr. King, who said at the murder of a young child in an Alabama church-- We have to understand; I'm not just talking about Robert Bowers, the shooter in Pittsburgh. We need to understand about the system, the way of life, and the philosophy which produced the murderer. Okay; in this day and age, that system is social media. That's what's producing these murderers.

And the places they're residing are on the two channels I'm showing you here. 4chan -- there are 25 million users on this channel. This isn't some marginal network; this is huge.

Gab -- the place where we scraped all of his data from, and where we collected all the images and videos that he posted-- They purport to having close to a million users.

Okay, these are Klan rallies that are happening, 24/7, with hundreds of thousands of people. Occasionally, it would seem, somebody leaves those rallies and actually commits a murder in the real world. Is it believable that those two things aren't connected?

Here are the kinds of viruses that flow around those networks that possess people. This is an image that I -- I had no idea how to interpret this when I first started doing this work. There's some ethnically threatening Jew holding some vicious, darker-skinned people at bay; and he's controlling them, apparently. And next to him is the word *Zog*; I have no idea what that-- I didn't know what that meant. White genocide -- I didn't know what that meant either, okay?

But these are very prevalent germs in the community where this person comes from. Here's another one. There's a hashtag there called *GTKRWN* -- that's pretty coded -- and there's the saying, "Where can I stab a Jewish baby without killing it?"

And if you want to look up a crazy hashtag, you can go look those hashtags up on Twitter, because they're there, too.

Okay, and then you have these images that mix innocence and evil in these ways that make it, like, is this a joke? I can't even tell. It's so horrifying, combined with this, kind of, cartoonish humor, that I can't tell if it's serious, all right?

So you have Pepe the Frog gassing a Jew to death; and then there's #YOLO cost.

All right, what's up with this, with these strange, encrypted words -- Zog, white genocide, GTKRWN? What's up with these bizarre cartoons?

Ladies and gentlemen, what I would put to you is that this is the way a virus works. It creates a language that only it can understand, so that it can incubate in secret without us being able to perceive what it is made of. In that way, it allows itself to evolve and perfect its message until it erupts, all at once, into the symptoms we see, seemingly out of nowhere, into the real world.

And then, of course, it's not just Jews, okay? It's all of us.

And so here's what we've done. My team and I have created a platform that takes data from these communities, and mainstream communities, in real time. And taking those toxic images, we render quantitative graphs that can intuitively portray to people, with a very easy sensibility, this is what's happening; this is what it looks like. And this platform allows us to do several things. First of all, it turns out that-- You were wondering, in previous testimony, what has been happening since 2016, right? Where do we see the rising tide? Okay; this is it; here it is. What I'm showing you is that, over the past two years, white supremacy, anti-Semitism, and anti-black sentiment have doubled on these networks; to the point where now, roughly, 13, 15 percent of comments on these channels -- hundreds of millions of comments contain these terms in them, okay? And that seems to be increasing with real-world events; it's interacting with real world events.

SENATOR CRYAN: Could you say which ones are red, and blue, and--

DR. FINKELSTEIN: We're about to do that.

So red is sort of the white, the blue is the anti-Semitism, and the gray is anti-black terms.

And then you see there are three lines going up. Okay, the first line is the election -- the red line on both graphs. The second line is the Inauguration; the third line of Charlottesville.

SENATOR GREENSTEIN: Which election?

DR. FINKELSTEIN: The 2016 election.

ASSEMBLYWOMAN VAINIERI HUTTLE: What do you think?

SENATOR GREENSTEIN: Just asking.

DR. FINKELSTEIN: Okay.

ASSEMBLYWOMAN VAINIERI HUTTLE: Sorry.

DR. FINKELSTEIN: So we are an apolitical group; our first client is the truth here.

And so looking at this data, what it seems is that, since 2016, the rise in hate that we have been perceiving within hate crimes -- it turns out it's real. These are the watermarks. This is actual behavior, okay? And the extremism that we're worried about is real. It seems as though these two things might be connected.

Okay; what about the images? Well, it turns out we can track those too. And we have ways of using AI that can grab all the images from these networks; all the images that I'm showing you here are mutations of the image at the bottom right. You see that Jewish fellow kind of creeping over? That's the second-most popular image on some of these platforms. It's also the most diverse; they're mutating it. Why are they mutating these

images at this rate? When you see mutations on a few (indiscernible), and you see that there's a trait that's changing-- Think about Darwin; think about the beaks of finches. That's called *evolutionary pressure*. They have found something they've liked and they're iterating on it, and they're spreading that all over the Internet, okay? And we track how the influence spreads between these different platforms, using our machine-learning tools.

And finally, we can use the tools to figure out exactly what they mean when they talk about Jews, or blacks, or white people. So here's an example of how our tools work. We take a galaxy of words, and the words are stars. And the closer they are to each other-- You can think of it this way. Our artificial intelligence puts them as close to each other in space as they are in a book, for instance, in context.

SENATOR GREENSTEIN: Dr. Finkelstein, can you-- It's a little hard-- Some of us have the slides, but if you can just explain, because it's hard to see it.

DR. FINKELSTEIN: I'll explain as best I can. But maybe I'll just use this image to explain it.

So there's Jew in the middle, the Sun; and in the green cloud you see all words that are, essentially, like -- close to the context of *kike*; it's ethnic disgust. Well, that's exactly what you see in the image, all right? All of their conversations, on average, pour out that kind of ethnic disgust. This isn't just an image; it's actually the entire community. And then below that, in blue, are the Jews as controllers. Well, look at the image; that's right. Can you hear all the words that signify that, with all the cryptic code words that they're using? We can decode them. It's very important to do that, because that's how an immune system works. It's able to latch onto

the components of the things that it needs to identify in order to determine where the trouble is coming from and how best to handle it. This is what the virus is made of, okay?

And so if the Jew is the controller -- who is ethnically disgusting -- what about the dark people? Here is the N-slur; a nasty synonym for black folks. What's fascinating about that N-slur is that you can see there are a million derivations of that so that they can avoid detection. But in addition, it's colonizing two new areas. In orange and in the blue, on the right, that's Mexicans in orange and it's Arabs in blue. And why is that? It's because they all share the same myth: they're all goblins to these folks, right?

And so all-- These are people who are hostile -- according to this ideology -- and stupid, and vicious. And they're being controlled by Jews in a white genocide.

So now let's talk about Bowers and white genocide. Because it turns out that these things that I've been telling you don't just exist in the ether; they actually describe the criminal intent of the people who are committing these acts.

And so when Bowers talks about something like white genocide in our data, and we extract it, we see that he says, "Here it is." He's about to do it -- this is his final tweet -- he says, "HIAS likes to bring invaders in that kill our people." HIAS is the Hebrew Immigrant Aid Society. They're helping people immigrate to the United States who need help, okay? "I can't sit by and watch my people get slaughtered; screw your optics, I'm going in." That's the white genocide; that's the thing we've been hearing about.

And what it means is that -- he's talking to his tribe, based on the color of his skin, and saying, "We are being eliminated by the politics of immigration. The Jews are responsible for it" -- going back to the image -- "they're bringing in all these savage people who are going to deny us our rights, blood and soil, to the place that we've cultivated."

And so when we look at white genocide, we use our tools to try to understand this. And when we look at his words, we see the myth full bore. Below, at the bottom, in purple, is the migrant crisis; in the middle is the white genocide myth. This is the way the whole community talks about it; it's coherent. And next to that is white power. And then, in the corner are all of these terms about Jews; cryptic Jews, controlling goyim -- to race mix the nation, right? And these are Bowers' own words beneath it, when he talks about white genocide. It's mapping his ideas to a myth that's floating around his community. And his ideas can't be understood unless you understand the myths that are floating around his community. He is a cell in a body; he's speaking a language that's coherent to the community he's a part of. The idea that this is a lone wolf is a laughable idea; that is a ruinous idea.

Okay, I'll try to finish up quickly.

So, okay, in this cluster you have things like -- words that I didn't know what-- GTKRWN; I promised you I'll tell you what that means. Okay, here's what it means. It means, Gas The Kikes; Race War Now; that's what that means. It's a popular hashtag on Twitter too.

And so we see that, along with these myths, we're circulating like, very clear episodes -- that our machines can attack -- that essentially

are hostile calls to genocide when they're decoded. There it is; there's the incitement to genocide.

Okay, so what can lawmakers do?

Well, there are a few things I think we need to think about; but the most important thing I believe that we can do is shine a light on the darkness. It is very important that we see the truth with our eyes, and speak coherently about it with our mouths. It is very important that we be able to see this layer of organization that is influencing us in these profound and profoundly negative ways.

And the way we could do that -- the way we could fight this epidemic is we could create a commission. It should be using these tools to take these perspectives. Because it seems to me that our ability to see these trends, to see this operating layer in real time -- that has implication for education that we-- We need to talk to our kids. We need to tell them about all these things before they catch the virus, right? And we can intersect that with this information. We need to have Homeland Security, and the FBI, and these various organizations be informed as to what's happening with the transfer and spread of this ideology as it happens, because it's going to end up being predictive.

And finally, Civil Rights groups can use this to make better targeted civil interventions for people who genuinely need help. And that is how I think we have to think of these folks. These are folks who actually are crying for our help. Anti-Semitism and hate are the signal; they're the signal for that cry.

All right; I thank you all for your attention, and I'm sure you have questions. I hope I can answer them, and I hope I didn't take too long.

SENATOR GREENSTEIN: Thank you, thank you.

That is always fascinating.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you; great job.

SENATOR GREENSTEIN: Yes, it is. Thank you for doing that.

I did want to ask you-- I know you're a scientist; and you use, for example -- in the name of your group you use the word *contagion*; you use *immune*; you use *virus*. Does that come out of your background, or is there something about this-- I mean, you're feeling that these things proliferate in the same way as viruses. Is that the idea?

DR. FINKELSTEIN: Yes; well, I mean, I think it's more-- In social science, it's more than just a metaphor. I mean, we've known for a long time that ideas are contagious and follow the behaviors of models in ways that are, essentially, more than just metaphorical.

And so it's not just, sort of, a use of a loose term; there's actually science of social contagion that pertains to that in the literature.

ASSEMBLYWOMAN VAINIERI HUTTLE: Assemblyman.

ASSEMBLYMAN BENSON: Just a real brief question.

You have a lot of, kind of, the more shocking imagery and everything else. What about the morphing that we're seeing a lot of these online communities use everyday -- catchphrases or words to hide, kind of,

behind some hate. “Learn to code” is one that, you know, we’re seeing a lot more about, but has been around for a long time.

And even something that’s borrowed from things that may not have a -- I think does -- but just even saying “Build That Wall” to somebody--

DR. FINKELSTEIN: Sure.

ASSEMBLYMAN BENSON: --in some cases, clearly with the intention, there, to intimidate or to threaten.

DR. FINKELSTEIN: Yes, that’s a great question.

So, I mean, one of the things that our tools are capable of is actually distinguishing between hateful and normal context for uses of terms. And those things often cluster out. And what’s useful about our AI tools is that they are capable of making the segregations over very short time periods. So as new things come up, you can sort of take this and work with content experts. I’m also a Fellow at the Anti-Defamation League Center on Extremism, where I work with content experts all the time, and we use our tools for exactly that purpose.

So I hope that answers your question.

ASSEMBLYMAN BENSON: Yes, it does; absolutely.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

Questions? (no response)

SENATOR GREENSTEIN: Any questions on this side?

Yes.

SENATOR CRYAN: Any news the other way; people responding-- Anything from the social media view of-- So you see the growth of hate groups, and that sort of thing. I’m just curious.

I listen to people, all the time, who say in social media forums, “I was going to say something nice, but I knew the bullies would attack me--”

DR. FINKELSTEIN: Yes, well that’s--

SENATOR CRYAN: “--so I chose not to.”

Do you see any of that?

DR. FINKELSTEIN: I don't and I think that’s a critical point that Senator Cryan is making -- that we need to protect our norms here. We’re not going to legislate our norms into existence; that civil society needs to take action so that this perfidious and acidic content that’s taking us over-- Why is that? It’s because we’re the media; that’s what *social media* means. And so the result is that it’s our norms that are being decayed. It’s us; we are the ones that have to do something about it. That’s what it means that we are the media.

SENATOR GILL: I have a question.

SENATOR GREENSTEIN: Yes, do you have a question?

SENATOR GILL: Yes.

SENATOR GREENSTEIN: Okay, go ahead.

SENATOR GILL: Well, you know, we’ve learned to read between the lines for years. And so is social media simply amplifying sentiments that are already there; and social media -- because of the anonymity -- allows people to take positions that they normally may not take in social, polite company?

So I guess it’s, you know, chicken -- the egg before the chicken, or the chicken before the-- I don’t know, pancakes. (laughter) You can tell

I don't cook, but I do know how to order out. (laughter) Uber could get rich off of me.

So I wonder that-- I think the sentiments are there.

DR. FINKELSTEIN: Yes.

SENATOR GILL: And I think because America has never had a real conversation about race, and about religion, and about religious hatred; and we've never had a reconciliation-- And so because we don't have that conversation, situations can peel the scab back--

DR. FINKELSTEIN: Yes, yes.

SENATOR GILL: --faster and further.

And so I think what you're doing is excellent, because people are very visual now; and you can see what people are actually saying in terms of hate speech. But I think the conversation goes deeper -- that social media-- And as a grandmother, I have a 13-year-old; and, you know, it's like-- But I think social media is simply magnifying what's already there.

And then we get people from the top, who put things on Twitter; they're supposed to be our leaders.

DR. FINKELSTEIN: Yes.

SENATOR GILL: And so--

DR. FINKELSTEIN: Yes.

SENATOR GILL: --it kind of feeds off of itself.

DR. FINKELSTEIN: Well, I think you made a lot of good points.

I guess I would start by saying that there's something -- there is something to what you're saying; that we always have within us, trekking

through our hearts, the capacity to become evil. And we'll always have that; that's always going to be with us.

SENATOR GILL: See, I start with the other thing. I think we start off with love--

DR. FINKELSTEIN: I suspect we start off with both, Senator.

SENATOR GILL: --and then we can develop, right?

DR. FINKELSTEIN: I suspect we start off with both.

SENATOR GILL: But I'm not, you know--

DR. FINKELSTEIN: But my point in saying this is that -- you know, this is akin to what happened-- You know, historically, this is akin to what happened with the printing press. When the printing press was invented, it created a new bandwidth of information.

SENATOR GILL: Yes.

DR. FINKELSTEIN: And the most popular book that came out of that was the Bible.

SENATOR GILL: Yes.

DR. FINKELSTEIN: The second-most popular book to come out of that was the *Malleus Maleficarum*; that was a witch-burning manual. And wherever that thing went-- Because people didn't know how to process all this new information. So wherever the *Malleus Maleficarum* went, they burned witches, because it was a virus. And those witches were Jews, those witches were black, and those witches were women.

And so the thing about this is, this isn't the first time we've dealt with it. And so that's actually room for optimism, because it means that we can think about how to deal with it better this time. And I think that it requires that we have very old conversations; but it also requires we

have honest conversations. And that's the tool -- that's the hope for our tools, is that with this, we can ask the question. This is the only thing our tools do, "What do you mean by that?" That's the only question we're asking. And that is how we converge on the truth. That's what's missing, isn't it, right? That's the part of this conversation that's missing. And so the transparency, and the way that we appeal to one another, and that we converge on collective values -- it turns out, that's with missing; and it turns out, that means our participation -- that's what's missing, too.

Okay; so I guess I would pause and I would ask you a question, which is this. This is a question I have for lawmakers.

If we don't do anything about this, given what we're seeing, my question for you is, I think what I'm showing you, I think what the data is suggesting, is this is what's called a *positive feedback cycle*. Are you all familiar with this term? Okay, what that means is that you have some kind of category *A* that causes category *B*; but then turns around and causes category *A*. That seems to be what's happening. And so the question for us is, how bad can this get?

And I think the answer is -- what it looks like, is it looks like it's Pittsburgh every weekend; and it's coming from everywhere, and it's everybody, and it's coming from nowhere, and it's nobody. And after all, it's just a joke, right? After all, it's just some cryptic word or joke that nobody understands. Oh, I think we understand it well enough; and I think we need-- It's on us to do something about this; and it's on the states to take the leadership in doing that. Because it isn't happening in the Federal government; it's not happening at the Federal level.

So where there's been an absence of leadership, it seems to me that it's upon the states -- it's incumbent upon the states to innovate in this dimension specifically.

ASSEMBLYWOMAN VAINIERI HUTTLE: Which leads us to our good Resolution.

SENATOR GREENSTEIN: Almost; I have one more--

DR. FINKELSTEIN: I have one more--

SENATOR GILL: Well, I know. Do we have--
Oh, I'm sorry.

SENATOR GREENSTEIN: Did you have a question?

I have one more question, and then we're going to have to do our Resolution.

But I really appreciate it.

The issue of free speech-- When I first heard you speak, that was one of the thoughts that went through my mind, and other people in the audience-- People are going to say, "I have a right to speak. I have a right to speak on social media." I've always felt that, perhaps, limits need to be placed; you know, you can't cry *fire* in a crowded theater, for example.

I know you've talked about pornography, and how we've placed limits on that. Could you, very briefly, talk about the possibility of placing limits on free speech, I guess, so that it would be within the law?

DR. FINKELSTEIN: Right; so I will try to answer this--

ASSEMBLYMAN BENSON: Can you do that in 30 seconds?

SENATOR GREENSTEIN: In 30 seconds or less. (laughter)

DR. FINKELSTEIN: I will try to answer this as succinctly as possible.

I think that this is akin to what happened in the early ages of pornography. First of all, we already do place limits on free speech, and we do that in the place of pornography, specifically. And there are some violations that are illegal on the basis of civil law, such as obscenity; but there are some that go further than that, such as child pornography. And when it comes to child pornography, it turns out that we, as a society, decided that our speech, when it comes to that -- it's unthinkable that somebody would dare say anything about that in public, in a way that promotes it; in a way that shows they're benefiting from it. That is absolutely unthinkable to us.

And so those are the limits of speech that we have in place that are actually criminal. They exist, and everyone realizes they're sensible.

Okay, here's my question to you. What makes incitement to genocide any better than child pornography? It's actually worse. It's vulgar. It can't be a part of who we are; that is vulgar.

Okay, so here's the question; here's the discussion I think we have to come in on. I think it lands here that, ultimately, when it comes to what was provisioned for the laws that currently govern these platforms, it turns out there's one exception there -- that they said, "You're not liable for whatever anyone says on *you*, Facebook or Twitter, with one exception." Can you guess what that is? Child pornography; what else could it be?

So the Communications Decency Act that governs their current operations already suggests that there are limits on free speech; and for very sensible reasons that, universally, we can converge on, and we see the reason for it.

And I think that incitement to genocide is exactly where that lands here. Because when I look around, what I see is that whatever interests we might share, wherever we might diverge -- if we don't share this interest, if we don't share the interest that incitement to genocide is off the table, we have nothing left to talk about, okay? That is the end of our conversation, if we can't agree that that's off the table.

And so it seems to me that it is very sensible for us to revisit the bounds of speech, because incitement to genocide, just like child pornography, is not speech like other speech. It carries profound consequences, and it carries those consequences for some people in particular.

Thank you so much for your time today.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you very much. We really appreciate it.

Thanks.

And now we're going to go into our resolution.

(Committees vote on Resolution)

ASSEMBLYWOMAN VAINIERI HUTTLE: Okay, we're back to the public hearing portion of the meeting.

And we have Alexander Rosemberg, Deputy Director of the Anti-Defamation League, New York/New Jersey.

And I will call Dr. Ali Chaudry, President of the Islamic Society of Basking Ridge.

Thank you.

Please state your name, and then present your testimony.

Thank you.

ALEXANDER ROSEMBERG: Thank you.

Thank you, Chair Greenstein; thank you, Chair Huttle; members of the Committee.

My name is Alexander Rosemberg, and I'm the Associate Regional Director of the Anti-Defamation League for New York/New Jersey office.

Thank you for your leadership and attention to the topic.

I want to talk about the impact and the disturbing prevalence of bias and hate. And all New Jersey residents have a stake in combating all forms of bias and hate. Hate crimes and bias incidents demand priority attention because of their special impact. They are intended to intimidate the victim and the members of the victim's community, leaving them feeling fearful, isolated, and vulnerable. And failure to address hate incidents often causes an isolated event to explode into widespread community tensions.

The damage done by bigotry, therefore, cannot be measured solely in terms of physical injury or dollars and cents. By making members of targeted communities feel 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.

The first step in addressing the problem of bias and hate is to know its nature and magnitude. We have referred previously, during today's proceedings, to the Hate Crime Statistics Act of 1990. And I'm sad to say that for all the numbers that are being reported, only about 13

percent of national agencies are reporting to the FBI and UCR. In particular, the situation is replicated to a lesser extent in New Jersey, where only 30 percent of agencies report on hate crimes.

Now, specifically speaking, you have cities like Elizabeth, New Jersey, that only reported one incident; Paterson, with a population of 147,000 people, reported zero hate crimes during 2017. Jersey City reported one.

It is imperative that law enforcement officers understand the importance of hate crime reporting, and receive comprehensive training in the relevant procedures for collecting, analyzing, and reporting hate crime information. It is also vitally important to reduce cultural, language, and other barriers that can reduce the likelihood of a victim or witness reporting a hate crime to the police. Accurate and comprehensive data collection and reporting will only enhance the effectiveness of law enforcement in responding to hate crimes, as well as strengthen community trust. Indeed, it is well documented that victims of hate crimes are far more likely to report a hate crime if they know that a special reporting system is in place, and if they believe that the police are ready and able to respond effectively. This is absolutely essential to keeping communities safe.

The importance of anti-bias education in New Jersey school systems-- We already heard about this before, but I do want to refer to the fact that, during 2016, ADL tracked 29 incidents at schools; during 2017, we tracked 61. That more than doubles the incidents of hate-related incidents in schools in New Jersey.

As of Q4 and Q3 of last year, we saw a similar spike immediately following the tragic shooting at the Tree of Life synagogue. It

has been referred to here during today's proceedings as well; but particularly, the Pascack Hills incidents and the Ridgewood incidents, just to name a couple.

All students, educators, and family members have a role to play in combating bias and bullying as a means of combating the rising tide of hate. With public displays of hate on the rise, it is more important than ever for schools to commit to programs that clearly define expectations in behavior for all members of their communities. Specifically designed for K through 12 instruction, ADL's *No Place for Hate* is one such program to improve and help improve school climate so that all students can thrive.

Through its peer training program, ADL works to raise awareness of the negative effects of name-calling and bias, and the importance of promoting unity and respect. During 2017 and 2018, there were 30 No Place for Hate schools in New Jersey.

The importance of the bully pulpit to speak out against hate: Elected officials should call out hatred and bigotry at every opportunity. While much hate speech is constitutionally protected -- as we've seen here today -- elected officials have the right and responsibility to use their own bully pulpits to condemn hate wherever and whenever it arises. Such statements not only provide support for the victims, but also for the community at large. By speaking out against hate, public officials can bring New Jersey communities together under shared values of diversity and inclusion in our state.

As a conclusion, of course, it is not possible to legislate, tabulate, regulate, or arrest our way into a healthier and more accepting society. Nevertheless, comprehensive reporting, expanding on anti-bias

education in K through 12 schools, and ensuring effective and immediate response to hate, violence, and bias incidents by public officials, law enforcement authorities, educators, and the public at large all play an essential role in deterring and preventing bias incidents and hate crimes in our communities.

We urge you to make improving responses to hate crimes a high priority across the State of New Jersey. ADL is ready and willing to be a resource to this Committee, and to the New Jersey General Assembly, in addressing these important challenges.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you.

You mentioned something about only 30 percent reporting.

MR. ROSEMBERG: Yes.

SENATOR GREENSTEIN: Reporting -- who is doing the reporting?

MR. ROSEMBERG: Law enforcement agencies reporting to the FBI for their yearly reports on bias and hate.

SENATOR GREENSTEIN: Why do you think that's the case -- that there are reporting issues?

MR. ROSEMBERG: Well, it's a voluntary process at this point. And as I referred to during my remarks, I think more needs to be done with regards to training law enforcement officials to be able to recognize when a hate crime is in front of them. Some of these officials who are in charge are here with us today, and they do a tremendous job in recognizing these hate incidents. But there are, you know, local-level police

officers who, maybe, do not have the necessary training requirements to report.

SENATOR GREENSTEIN: That sounds like it would be a good area for us to look at as well -- have a training--

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes, the same with teachers, too.

MR. ROSEMBERG: The same with teachers as well, yes.

However, with the pervasiveness of the incidents that have been occurring, we have been making some strides in providing trainings for educators as well. So ADL has become a resource for school districts all over the state, and we plan to deepen our involvement as well.

SENATOR GREENSTEIN: Well, I know you're a good group, because I used to work there many years ago. (laughter) I know you do a great job, and keep up the good work.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you.

MR. ROSEMBERG: Thank you.

SENATOR GREENSTEIN: Dr. Chaudry.

M O H A M M A D A L I C H A U D R Y, Ph.D.: Hi, good afternoon.

ASSEMBLYWOMAN VAINIERI HUTTLE: Good afternoon.

SENATOR GREENSTEIN: Good afternoon.

DR. CHAUDRY: Chairman Greenstein and Chairman Huttle, I thank you for the opportunity.

Since we've already talked about a lot of the FBI statistics, I would just like to go on and talk about some of the specific statistics about the Muslim community, and then focus on some instances in New Jersey.

And you will hear some of the comments that I'm going to make, in terms of suggestions, sound like what you just heard from ADL; because we think that these issues are so important that they affect both of our communities in a very direct way.

I'd like to share with you the data that is found in the 2018 -- the Report on Civil Rights by the Council on American-Islamic Relations. It's called *Targeted*. And I have a handout, that I believe has been distributed, that has some information about the background of this publication, and also some pictures that I'm going to refer to.

Anti-Muslim bias incidents reported by CAIR increased from about 1,100 in 2015, to approximately 1,700 (*sic*) in 2016; a dramatic 53 percent increase in a single year. In 2017, about 1,700 (*sic*) anti-Muslim bias incidents were again reported; thus the sharp increase in 2016 was, unfortunately, not a one-year deviation.

Analyzing anti-Muslim hate crimes separately, 180 such offenses were reported in 2015, and 260 in 2016. That's representing a 44 percent increase. In 2017, CAIR reported 300 anti-Muslim offenses, representing a further increase of 15 percent over 2016.

The CAIR statistics also showed the greater percentage of anti-Muslim incidents have become much more violent in nature. One of these incidents involved Mrs. Azra Baig, who was here in the audience, but she had to leave because she had a commitment at work. In the fall of 2016, she ran for re-election to the South Brunswick Board of Education. Several

of her campaign lawn signs were defaced with phrases such as “raghead,” “ISIS,” and “ISIS sympathizer.” You can see these photographs in the handout that I’ve provided.

Among the bias incidents reported to CAIR in 2017, there were 144 anti-mosque incidents, including 57 hate crimes. These are also included in the-- There are two pictures that you’ll see there. Nine of these incidents occurred in New Jersey. There’s a map of the United States that shows nine of them in New Jersey.

In November 2017, in particular, the Islamic Center of Passaic County received 8 telephone death threats in a 24-hour period. Using profanity, callers said they would “kill the worshippers and burn the mosque down.” Regarding this incident, I must commend Director Maples for reaching out to me immediately; as soon as he heard, he called me on the phone and asked -- that he wanted to meet with the leadership. And we actually went and visited, and he sat down with the leadership to reassure them that he was going to take everything seriously.

Prior to 2017, the mailbox of my congregation, the Islamic Society of Basking Ridge, was defaced. Our mailbox displays our initials, ISBR. In the summer of 2014, a vandal replaced these letters with ISIS. I reported this to the police, who then reported it to the county as a bias incident. Unfortunately, the perpetrator was never found and, therefore, no action could be taken.

As alarming as the FBI and CAIR statistics are, I am sure you are aware that there is a major problem of underreporting, as we discussed earlier, especially in the Muslim community. There is a tendency not to go and speak to law enforcement authorities. In fact, CAIR recently did a

study online in New Jersey asking them if they had been victims of racial or religious harassment; 65 percent said “yes,” but only 15 percent of them reported the incident to CAIR New Jersey, and only 12 percent reported it to the police. And an incredible 80 percent of these respondents kept it to themselves; they never said a word to anyone else.

Reviewing the incidents reported in the past few years, one of the most disturbing aspects of note is the extent to which offenders link their acts and statements to the rhetoric of the President and some other political leaders.

In a well-publicized case, a building granted for worship by a Muslim group in Bayonne was vandalized by a 20-year-old resident of the town. There’s a photo of that in the packet; you’ll see that. The offender spray painted -- he spray-painted the building with “F Muslims,” and other profanity, and other-- And he added “Donald Trump.”

In 2018, at a New Jersey elementary school, a group of children engaged in repeated bullying of a Muslim girl. Among the many acts of harassment -- one day the group leader told the Muslim girl, “I’ll ask Trump to build a wall around you.” While corrective measures were taken, the harm was done.

These incidents show us the destructive power of words, when expressed by people in power with a public platform. And as you just heard, public officials -- I believe elected officials have a special responsibility to speak out when there is such sentiment being expressed.

So in closing, I would like to offer some suggestions to address these issues.

Underreporting is a big problem; and I believe there are things that we can do. And one of which is that, even when an incident does not rise to the level of a hate crime, I believe there should be some legislation that requires the local municipality, the Board of Education, or a Board of Health, or whoever might be involved, to take a public position and come out and condemn the event and stand with the victim. Because once you do that, then people would know that they don't have to hide. They will stand up.

Second, make law enforcement use tools; and I believe you've heard from law enforcement that they would like to have some changes made. We need to give more tools to the police so that they can do more than simply say, "Sorry, I can't do anything more, because we either don't have the perpetrator or we don't have the money." When it is absolutely clear that someone is being attacked, or targeted, or harassed because they're a Jew, or a Muslim, or any other minority -- when it is clear that it is due to religion or ethnicity, there is an obligation for us to take action. And I don't think it should be ignored by the police.

Lastly, elected officials -- create a culture of respect for diversity, and then create a culture of respect and zero tolerance for bigotry. The New Jersey Senate and the Assembly took a great step in this direction on December 19, 2016. And I must thank Senator Greenstein, former Senator Lesniak, and Assemblyman Zwicker for making this possible. It was my work on the New Jersey Homeland Security and Interfaith Advisory Council that created the pledge that the Senate and this Assembly supported in that year.

And I would like to end by repeating the words. And I hope that we can convey this, not only to the general public, but I would ask your two organizations -- the two legislative arms of the Legislature -- to see if the Department of Education would consider asking each school district to adopt this pledge as an anti-bullying tool. In fact, the Franklin school system, the Franklin Township school system has done so. In 2017, in February, they stood up and the entire school system, including the President of the Board and the Superintendent of Schools, stood and took the pledge. And they have made it a part of their anti-bullying program. And I wish that we could convince the Department of Education to ask each school district to do that.

So, let me just share the words with you.

“While interacting with members of my own faith, or ethnic, or gender community, or with others, if I hear hateful comments from any one aboutour members of any other community, I pledge to stand up for the other and speak up to challenge bigotry in any form.”

And I personally believe that this is not a pledge by a politician; it is a pledge as an individual. Each one of us can act when we hear bigoted words from anyone. There is really no room for silence anymore, when there is so much that can be done.

Thank you very much.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

You know, it’s funny -- well, it’s not funny, but you mentioned that the local districts should take a public position, and I agree with that. However, there have been so many yard signs that I’ve seen in my

community, and in many places -- it's a yard sign, and it says, "Hate has no home here."

DR. CHAUDRY: Correct.

ASSEMBLYWOMAN VAINIERI HUTTLE: And when I see that on the lawns of people, it really gives me a good feeling. And I think that the more -- unfortunately, the more incidents we see, we see many more of these signs coming up.

But I think to take it to a more organized level--

DR. CHAUDRY: Yes.

ASSEMBLYWOMAN VAINIERI HUTTLE: -- is a wonderful idea.

Thank you.

DR. CHAUDRY: Yes, yes; thank you very much.

ASSEMBLYWOMAN VAINIERI HUTTLE: Questions?

DR. CHAUDRY: Yes.

SENATOR GREENSTEIN: And I actually -- I want to just say something.

First of all, I want to thank you both. Dr. Chaudry, I think your pledge is a very simple, but elegant, thing that many individuals and groups can do. And I definitely like your idea of getting it into the schools; so we'll find out.

Ms. Azra Baig -- who was here earlier, and I know -- I think had to go back to work -- I remember when the entire incident was happening, because South Brunswick used to be in my District. And I think one of the problems is -- and it's a terrible thing to say -- but nobody really knows exactly what to do in these situations.

DR. CHAUDRY: Right.

SENATOR GREENSTEIN: As you say, it's something that happened; hadn't yet risen to the level of being considered a hate crime.

DR. CHAUDRY: Right.

SENATOR GREENSTEIN: But you go to the locals, you go to the police. People want to do something; they're just not sure what they can do, or what they're allowed to do, or what they should do. And I think what we need to do is to find that information out. Some things you can legislate; you can certainly encourage certain behavior.

DR. CHAUDRY: Right.

SENATOR GREENSTEIN: But I think, many times, locals are not sure what to do. I mean, do you have any suggestions?

DR. CHAUDRY: Senator, I would say that, in this particular case, Azra spoke to the police.

SENATOR GREENSTEIN: She did.

DR. CHAUDRY: She reached out to the Mayor. No one stood with her; no one, really, was willing to come out and say it publicly, that what happened was wrong; and that we, as a community, have a responsibility to prevent this from happening.

And that's what I'm saying. I believe that there needs to be legislation that says that even when there is -- that it doesn't rise to the level of a bias crime, that there is enough evidence that this person was targeted because of their religion, or race, or particular factor; and, therefore, there's enough evidence for the police and the municipality to hold a public event, stand with the victim, and come out and effect positive solutions -- a

specific resolution condemning that act, and make it publicly clear that no one should be doing that.

SENATOR GREENSTEIN: I agree with you.

MR. ROSEMBERG: So in our case, we have an active online reporting system to enable people, who may not be feeling heard, to come to the ADL to explain what happened to them, and for us to try to elevate those facts and that incident; not only to law enforcement, but to, you know, bring light and use our megaphone to amplify the sentiments around the unfortunate act or incident. Also, keep for our Center on Extremism, to keep tabs on the would-be perpetrators with information that we keep; or our Center on Technology and Society will keep tabs on the actors online, wherever they may be.

But encourage-- I would say the main thing is to encourage the victims, who may not be feeling heard, to come to organizations like the ADL--

DR. CHAUDRY: And CAIR; CAIR does the same thing, by way of civil rights. They do a lot of good work.

SENATOR GREENSTEIN: Does CAIR do the same as the ADL, and elevate it to the police and all of that?

DR. CHAUDRY: They will absolutely do. And, as you know, I work not only for the -- working with the Homeland Security Advisory Council, but I (indiscernible) Committee of the Attorney General. And we meet once a quarter with the AG on issues that are of concern to the community. We discuss that amongst ourselves, and we bring it to their attention.

And I'll give you one example where, in Ocean County -- this is during the time when John Hoffman was the Attorney General -- someone had invited a person who was known to be an Islamophobe to actually train police officers. And the title of the program was, "Know Your Enemy;" and you can guess what they were talking about.

And so when I found out, I called the Attorney General's Office, and John said, "This is a matter of free speech; I cannot stop them from doing this, but I will send someone to attend the event."

SENATOR GREENSTEIN: Who had the "Know Your Enemy" program?

DR. CHAUDRY: It was the Ocean County-- I believe it was -- the Ocean County Fire Academy was hosting the program.

SENATOR GREENSTEIN: Oh.

DR. CHAUDRY: And it was training; it was designed for police officers -- training local police officers. So my Township was paying for someone to go and attend a program that was going to be clearly biased and hate-filled against Islam.

And so when John sent his representative, he came back and he reported what he heard. And he realized -- he said-- He issued a directive at that point that all training at these official institutions must be pre-approved, and no such thing will ever happen again.

So I think we need leadership of that type, where people can speak up and do that.

SENATOR GREENSTEIN: Can I ask what's the contact number from ADL anyway, that--

MR. ROSEMBERG: So on *ADL.org* there is a tab that says “Take Action,” and you will see “Report a hate incident--”

SENATOR GREENSTEIN: Okay.

MR. ROSEMBERG: --on that tab.

SENATOR GREENSTEIN: And then will the person -- say the person reports it. Will they get a call back?

MR. ROSEMBERG: They will; they will immediately get-- Every single complaint gets a call back -- a fact-finding call-back. And they're able to -- in the same instance, by the way -- upload images of whatever happened -- documents, recordings, videos, whatever they need to inform the ADL -- with whatever evidence they have in hand, as well.

SENATOR GREENSTEIN: And obviously this would be for any ethnic group.

MR. ROSEMBERG: Any ethnic group whatsoever.

SENATOR GREENSTEIN: Now, does CAIR have a number like that?

DR. CHAUDRY: Yes; I can give you a local CAIR number.

SENATOR GREENSTEIN: Okay.

DR. CHAUDRY: It is 908-668-5900.

SENATOR GREENSTEIN: Okay.

DR. CHAUDRY: And the direct number for the Director of the program is 908-267-3119. His name is James Sues.

SENATOR GREENSTEIN: Okay.

Thank you both so much.

DR. CHAUDRY: Thank you very much.

MR. ROSEMBERG: Thank you.

SENATOR GREENSTEIN: You've been great; thank you very much.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

Next we have Jonette Smart, NAACP, Jonette; and Aaron Potenza, Director of Policy from Garden State Equality; and Alex Shalom, ACLU.

Aaron, you came up first, so you can start. (laughter)

We'll wait for Jonette.

SENATOR GREENSTEIN: And Alex.

ASSEMBLYWOMAN VAINIERI HUTTLE: And Alex.

Welcome, everyone.

SENATOR GREENSTEIN: Yes, welcome.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you for listening and spending your time here. We appreciate it. We really do; we appreciate your time.

SENATOR GREENSTEIN: Thank you.

Aaron, if you'd like to start.

A A R O N P O T E N Z A: My name is Aaron Potenza; and I'm here in my capacity as Director of Policy for Garden State Equality, New Jersey's statewide advocacy and education organization for the lesbian, gay, bisexual, transgender, and queer community.

First, I want to thank Senator Greenstein and Assemblywoman Huttle for convening this hearing, for inviting me to speak on this important issue, and all of you for your time and attention to this important matter.

Federal and State data shows that LGBTQ people are over-represented, relative to our percentage of the general population, in facing and being victims of bias incidents, including hate crimes. For 2016 -- which is the most recent year, as we heard earlier, that we have an Attorney General's report out of the State of New Jersey on bias crimes -- as we heard, there were 417 total incidents; 50 of those were on the basis of sexual orientation or gender identity, meaning that those were incidents that targeted people who either are members of the LGBTQ community or are perceived by their attackers to be members of that community.

And relative to the total 417 incidents, that puts the LGBTQ community at about 12 percent of the total bias incidents for the State of New Jersey in that most recent report.

And I think in looking at that number, it's important to understand that the population of the State of New Jersey -- the LGBTQ population -- has been estimated at around 4.1 percent by the Williams Institute at UCLA, which is a world-renowned center for study of LGBTQ issues and population.

And so there's a vast over-representation there; that over-representation carries over at the Federal level. Rachel Wainer Apter mentioned the 15.9 percent on sexual orientation; when you add gender identity, it was around 17.6 percent of total hate crimes reported to the FBI in 2017 that were based on actual or perceived sexual orientation and/or gender identity.

It's important to note that that's an increase of 17 percent in reported hate crimes total from the previous year.

And also, to think about -- I think one of the things you really need to think about when you're looking at this, with respect to LGBTQ population -- as with other populations, like the immigrant community -- is that these numbers are underreported, right? And so one of the reasons is that hate crime reporting, as we've heard, is not mandatory; and so the numbers undercount, likely significantly, the reality of these bias-motivated crimes. Indeed, like many other states, New Jersey actually has not reported any data on gender identity to the FBI since the FBI began collecting hate crime data related to gender identity in 2013.

And yet while we've reported no data on gender identity, New Jersey did report 51 incidents based on actual or perceived sexual orientation in 2017, which is an increase of almost 50 percent from the 34 incidents reported in 2016, the 33 reported in 2015, and the 32 reported in 2014. So you can kind of see that trend again where, for the past couple of years, prior to 2016, you were seeing around 30, 34 reports based on sexual orientation out of New Jersey. And then that number jumped almost 50 percent, to 51 incidents for 2017.

In addition to the fact that reporting is not mandated, other factors -- such as stigma that still attaches to LGBTQ identity, the fear of being outed, and historically poor relationships and trust between the LGBTQ community and law enforcement will also contribute significantly to under-counting of bias incidents and hate crimes against LGBTQ persons.

In 2015, the National Center for Transgender Equality released the U.S. Transgender Survey, which is the largest survey ever conducted of the United States transgender population, with over 27,000

respondents. They did a breakout report for the State of New Jersey, which found that respondents in our state reported high levels of harassment and mistreatment by police officers. And of New Jersey respondents, transgender respondents who interacted with police or law enforcement in the year prior to the survey, 66 percent stated they had experienced some form of mistreatment when the officer knew they were transgender. That included verbal harassment, repeatedly being referred to as the wrong gender, physical assault, and even sexual assault. Fifty-five percent of transgender New Jersey respondents said they would feel uncomfortable asking the police for help if they needed it.

And that data is similar to many other members of the LBGTQ community; so not just the trans community. For instance, a 2013 report on anti-LBGTQ violence found that of LBGTQ violence survivors who had interacted with the police in the past year, 48 percent nationally reported police misconduct, including unjustified arrests and use of excessive force and entrapment.

The point is that that leads to reduced reporting of crimes by the LBGTQ community. The same report found that only 56 percent of LBGTQ survivors of hate and violence had reported such incidents to the police.

And I think it's important to note that, historically, same-sex attraction and behavior, as well as cross-gender identification and expression have been criminalized in the United States. It's a long history, extending from Colonial laws -- in which same-sex relations were punishable by death -- to the Supreme Court's decision in *Lawrence v. Texas* -- which is only 2003 -- in which anti-sodomy laws were finally declared

unconstitutional. Beyond that, 16 states kept those laws, to this day, on the books; basically stating -- wanting to send a message of moral disapproval. And that is well within -- right? -- the, sort of, living memory of the LGBTQ community. It contributes to this issue of mistrust of law enforcement. And I think you, really, when you're thinking about reporting, and hate crime statistics, and bias incident statistics for that community, that history of mistrust has to be mentioned; and it is one of the things that we maybe could address.

In addition to distinguishing, kind of, as I did earlier, between sexual orientation and gender identity incidents, I think it's really also important to note the role that race and racism have played, and they continue to play, in bias and hate crimes that are based on actual or perceived sexual orientation or gender identity.

And so by saying that, what I mean is that the victim of the vast majority of LGBTQ-related hate crimes and bias crimes are LGBTQ people of color; and, in particular, they are black LGBTQ people and communities. So in 2016, the National Coalition of Anti-Violence Programs issued a 20th anniversary report, *LGBTQ and HIV-Related Hate Violence in 2016*. In that report -- and this is the year that the Pulse nightclub tragedy happened, so they have to, kind of, like extract that data out -- but in that report they found that of the 28 LGBTQ non-Pulse nightclub-related homicides-- So apart from the tragedy of Pulse, 79 percent of the victims were people of color; and that is similar -- it tracks with previous years, where LGBTQ people of color have been vastly over-represented in these bias incidents.

I think it's also important to note that of the non-Pulse-related homicides that year, 68 percent were transgender people; and more specifically, 61 percent of the total homicides of LGBTQ people that year -- excluding Pulse -- were transgender women of color.

I would like to conclude by referencing our own Garden State Equality zone data for the 2018 year, which -- I shared that incident report with you. In 2018, through our "Report Discrimination" feature on our website, we received 51 reports; so actually quite similar to the data that New Jersey reported, in terms of the number of reports. However, in contrast to the reporting that law enforcement did -- what was almost entirely sexual orientation -- we saw this as about half sexual orientation, half gender identity. So thinking about where these reports come from and how -- where the organization is situated and how folks are reporting -- right? -- on where they feel they can report, and where they feel they can't. And when we break those incidents down, they happened primarily in schools -- 30 percent; employment or general harassment, health care housing, prisons, and policing, and public accommodations.

And I want to just pause really briefly -- I know that it's been a long day -- and just say, sitting here hearing the testimony, what I didn't include here -- but I think is relevant -- is that a lot of the flavor of that reporting was similar to what I'm hearing other organizations speak to, and other advocates speak to. Which is, we did see a couple of reports last year that involved not only homophobic language, but anti-Semitic language; we saw at least one incident -- that comes to mind -- in Cherry Hill, New Jersey, where a couple had been harassed on the basis of a being gay male couple. And then someone left -- this woman, who had been harassing

them and making homophobic statements, also left Trump campaign paraphernalia outside their door repeatedly; and so some of the similar flavor.

So given what I highlighted here today -- right? -- which is the significant level of underreporting that we believe goes on in the LGBTQ community, the historic issues with law enforcement that have contributed to that, the types and locations of those offenses, and the role that intersectionality race and racism have played, I would like to, sort of, just offer the following recommendations.

I think that-- And there's -- many of this is on State agencies, but there's a role for the Legislature there, right?

So the State agencies, really in, New Jersey, need to be looking into where and how they're collecting data on sexual orientation, gender identity, and expression, with the goal of standardizing and increasing that data collection. It is really important; it's one of the most, you know-- That is the demographic data we don't collect. We do collect data on race, we do collect data on religion, right? We don't collect data on sexual orientation/gender identity, for the most part, nationally; and New Jersey is starting to move away from that, starting to do better about that. But there's much more we can do. And I think you need to do that in order to assess the experience of the community, including with violence and discrimination; as well when you look at that demographic data, to be able to understand how race and racism, along with homophobia and transphobia, have played a role in that discrimination and violence.

I spoke a bit about State and local police departments and the relationship with law enforcement. State and local police departments in

New Jersey should be adopting internal policies and practices that require respect for the LGBTQ community, particularly respect for individuals' gender identity. And then ensure safety in processing, searching, and placing LGBTQ people in police custody, in accordance with gender identity.

State and local police departments should be required to undergo LGBTQ sensitivity training on a regular basis; and I know that that's something that the Attorney General's Office is working on, with regard to State Police. But I think with local police--

SENATOR GREENSTEIN: Sir, could you wrap it up?

MR. POTENZA: Yes.

SENATOR GREENSTEIN: Thank you.

MR. POTENZA: Okay.

So -- and outreach to the LGBTQ community by police should be prioritized.

I was going to speak a little bit about the schools, but we heard from the DOE on that.

And so, essentially, I'll thank you for your time and attention to this matter.

And if you have further questions, I'd be happy to answer them.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you, Aaron.

I think we have a copy of your testimony. If not, you can share that, and we value your suggestions, and we'll take those up.

Thank you.

Jonette Smart.

JONETTE C. SMART: Hi.

ASSEMBLYWOMAN VAINIERI HUTTLE: Sorry to keep you second; Aaron came up first.

MS. SMART: That's okay; that's all right.

ASSEMBLYWOMAN VAINIERI HUTTLE: Welcome, Jonette, from the NAACP.

MS. SMART: Thank you.

I appreciate the opportunity to speak before you, Senator Greenstein and Assemblywoman Huttle, and the rest of the Committee here.

Thank you for allowing me to express my concerns involving hate crime in New Jersey, and the fact that this increased over the past couple of years.

And, of course, you heard the statistics already, defining the increase with the crimes. And I want to place my attention on concerns for our school, our school children.

The hate crimes in schools in New Jersey, overall, rose about 25 percent. As the NAACP President of the Trenton Branch, I cover the entire Mercer County area and parts of Burlington County. So over the past two years we have received a 100 percent increase in complaints for bias, race, and ethnicity incidents in our schools.

I did not identify the school levels, but it starts in elementary, middle, and high school. When the complaints started coming in -- I'm not going to do verbatim from what's here, because you all can read this -- we've

had incidents where we've had elementary school students expelled from school because of bias and hate crime incidences. We've had a student, a middle school student, in Hopewell, who was not only expelled, but also charged criminally because of the actions he took in terms of a hate crime against a peer.

This is a serious issue that's being dealt with here, in the suburban districts, as well as the urban districts, in New Jersey.

Social media plays a big part of it. The incident with the Hopewell Township School District had to do with a Snapchat incident, where the peer did something concerning hanging a noose and referring to the African American child as a "monkey," and also using the N-word.

So, you know, there's a lot that goes on, with our young people feeling free to express themselves, particularly using Snapchat and other social media forms, where they feel that it's not a problem because everybody does it; and, you know, their peers are laughing and playing with them about it. But once it hits a certain-- Once it hits the schools, once it's in the school environment, it becomes a problem, and the schools are required to report it.

So we get involved, either by it being reported to us, or if we see it we contact the local districts and we talk about it.

ASSEMBLYWOMAN VAINIERI HUTTLE: Can I interrupt for one second, Jonette?

When you said it was an elementary student -- is that a hate crime or is that bullying?

MS. SMART: It could be both, but depending on what it is. At that school, it was both -- it was deemed both, by the rules of the school;

their bullying policy. And we did not want it to be labeled as a hate crime, so we kind of fought that issue. But according to the school district and the Superintendent of Schools in that District -- that was in Columbus -- it was considered both.

ASSEMBLYWOMAN VAINIERI HUTTLE: Really?

MS. SMART: Yes.

You know, it's a shame. The kids don't understand what they're doing; they don't understand that what they're following -- the things that they're following can get them in serious trouble. The parents don't understand it as well; they get very upset behind it.

And one of the things that I want to try to express and, kind of, change here in New Jersey -- we have zero tolerance laws. And the school can kind of implement them according to whatever their policy is -- their discipline policies are. And so in some districts the policy is expulsion, expulsion; but in some there's a level of suspension that occurs. But when it's the zero tolerance that becomes expulsion, what does a parent do with that child? The child has to go to school.

ASSEMBLYWOMAN VAINIERI HUTTLE: And the student needs to--

MS. SMART: Right.

ASSEMBLYWOMAN VAINIERI HUTTLE: --resolve it and become educated, or changed.

MS. SMART: Exactly.

So that's an area of concern; that's why I wanted to bring it up. Our children deal with-- There's a lot of behavioral health and mental health issues that go on in our schools, particularly in the urban districts.

And I know that it also affects the suburban districts; that's something that we don't talk about -- is what goes on in these different districts that affect our children, that can bring them into reacting in these ways in the schools and in the classrooms. And that's an area that we must take a look at: Why is it that our children feel so comfortable coming to school, using certain language, picking on certain groups of people -- whether it be your sexual orientation, your religion, your color, your ethnicity? What makes it, today, so easy for our children to do that? And that's something that I would really like us to take a look at and see why it's so acceptable.

ASSEMBLYWOMAN VAINIERI HUTTLE: I think those were our questions to you. (laughter)

MS. SMART: I know; we have to do it together. We have to join it together, because it's a tough thing to figure out; it really is.

Our children -- when we talk about-- Because we can -- if parents allow us, we can interview the children. And one of the things they say is that, "We hear it at home," you know? They don't find it to be so serious, because they hear it at home.

So we have to-- One of the things that we did in Hopewell was, we talked about how do we change the language at the table. So we have to come together as a community to try to change the language at the table that the parents (*sic*) are hearing. And that's one of the things that, I think, that if we start having community conversations about what it is that's bothering this society so much that hate is the expression that we use to ventilate, to get it out there-- We must figure it out.

ASSEMBLYWOMAN VAINIERI HUTTLE: You know, we always say we can't legislate morality; but we could educate.

MS. SMART: Right.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MS. SMART: Right. So I think that's the way we have to go.

And I want to just put a shout out to Hopewell Township, because the way they handled it was excellent. And I think that's a model that can be used throughout New Jersey.

ASSEMBLYWOMAN VAINIERI HUTTLE: Is that Assemblywoman Jackson's--

ASSEMBLYWOMAN REYNOLDS-JACKSON: Yes, yes.

SENATOR GREENSTEIN: Yes.

MS. SMART: --to identify, or to go and to talk with the Superintendent of Hopewell Township, because they did an excellent job in handling it.

And for reporting this type of stuff, NAACP has been around forever; and that's what we do. We investigate these types of incidences -- bias, hate crimes -- and we're available to deal with this.

SENATOR GREENSTEIN: Ms. Smart, you're primarily working in the Mercer community.

MS. SMART: Mercer, and in parts of Burlington; yes.

SENATOR GREENSTEIN: Oh, okay.

Now, do you mostly hear-- It sounds like you're in a bit of a consultant situation; people will call you. Do you mostly hear from members of the African American community, or do you hear from others as well?

MS. SMART: When it comes to incidences regarding schools, we hear from everyone. When it comes to neighborhood incidences, it's mostly African American.

SENATOR GREENSTEIN: Okay.

MS. SMART: But we can hear from everybody.

SENATOR GREENSTEIN: Sure.

MS. SMART: We're -- everyone can report crimes to us. There's no--

SENATOR GREENSTEIN: If you had to stand back from all the things you've seen, what's your sense of how -- using Mercer as an example -- how are things generally going there? And, you know, I think in this area, sometimes common sense makes us feel like we know the causes. Whether we say social media, family breakdowns -- we have some sense of what it is; but only studies can tell us what it really is.

MS. SMART: Right.

SENATOR GREENSTEIN: We're not sure.

MS. SMART: Right.

SENATOR GREENSTEIN: But what's your sense of things?

MS. SMART: Well, I will tell you, from conversations that we have had particularly in the last two years -- both in dealing with adults and children, students -- teenagers -- interviewing them, and talking to them, and asking them, "Why do you feel that you can do this?" I know some of you may not want to hear this, but it's because, "We now have permission from our President. Our President has given us permission to do these things, and we feel entitled. We feel we can do it now, and we won't get in trouble for it."

SENATOR GREENSTEIN: Because of what he's doing.

MS. SMART: Because of what he's doing. He's the example. He's burst this stuff out in public. He says these things; he uses this language. He says it's okay. He tells the police to knock this person over their head, or he'll call this person -- or he'll make fun of that person. And we get a lot of that, and we say, "But you know, that's not how we should be acting as a people, as a community. You know that that's not the right thing to do." And they just say, "Well, if he can do it, we can do it." And that's been the common core of the responses that we get.

SENATOR GREENSTEIN: Well, you saw those charts that Dr. Finkelstein put up--

MS. SMART: Absolutely.

SENATOR GREENSTEIN: --the graph; and he showed that it was a big spike after the election.

MS. SMART: Right. And so when he saw that, that kind of confirmed what's being told to us; yes.

SENATOR GREENSTEIN: Thank you.

Any other questions?

ASSEMBLYWOMAN VAINIERI HUTTLE: Assemblywoman.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Once you receive this information, are you reporting it back to the Department of Education, to the Superintendent?

MS. SMART: Yes, it has to go back to them. The school itself has to report to them; and, as well, we also send information to them; yes.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Thank you.

MS. SMART: We also report to police. The schools should report it; if the school doesn't report it, we make sure that it gets reported, and we bring in the local police.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

I just want to make a mention.

We're losing some audience people; it's getting late. But I do want to make a point that the testimony is being taped; and so regardless of who is out there listening, we have this recorded. So we appreciate each and every ones' testimony.

SENATOR GREENSTEIN: And people hear us, too--

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

SENATOR GREENSTEIN: --out there.

ASSEMBLYWOMAN VAINIERI HUTTLE: And it's here that we will be gathering information to make some, hopefully, good legislation. So we appreciate it.

Alex Shalom is here.

ALEXANDER SHALOM, Esq.: Hello.

Thank you, Chairwomen, and members of the Committee.

My name is Alexander Shalom; I'm a lawyer at the ACLU.

And after you've heard hours of testimony -- and I have provided written testimony, and so I won't repeat what I have in there -- let me just give some reflections on what we've heard, and try and tie some of it together.

You know, it's very easy to look at the stuff that Dr. Finkelstein put on the screen and to condemn that. It's also pretty easy to condemn

the racist, the homophobic, the transphobic, the anti-immigrant, the xenophobic tweets that come from the White House. We know that saying there are decent people on both sides is not okay; that's easy -- right? -- to condemn that. But what's harder is to recognize other, more subtle, but equally pernicious ways that we *otherize* people; that we separate between us and them. You don't have to just call someone a *bad hombre* to otherize them. And so we need to be looking, not just at ways to combat, kind of, the manifestation of the other; but the otherizing in the first place -- whether we're talking about denying people driver's licenses, denying people the right to vote based on criminal conviction -- these are the sorts of things that this Committee can do. You don't think that they're addressing hate crimes, but ultimately what they're doing is they're preventing the otherizing of New Jerseyans; and that is an important step forward.

I will also say -- although I am so grateful to these two Committees for taking this up, and for thinking creatively about solutions -- not every solution works. And so some of the things Dr. Finkelstein talked about sound great; and are certainly constitutionally problematic -- to go into chat rooms and to critique not what people are saying publicly, but what they're saying to their friends; even when it is vile.

And so I think -- I don't remember who it was -- but, I mean, I guess the folks from the Bergen County Prosecutor's -- talked about how we already have a very robust hate crime statute. And so we don't -- we can't just criminalize our way out of these deeply ingrained and highly problematic things. We need to think more creatively about ways to fix things that look at principles of restorative justice; that look at things other

than simply ratcheting up criminal penalties and delving into people's thoughts and associations.

SENATOR GREENSTEIN: Is Dr. Finkelstein still here? He left?

It seemed to me -- and that question that I asked him at the end, about free speech, which I know is a big thing for ACLU -- and he compared to how we feel about child obscenity, child pornography; that maybe it's something we should take a closer at. I mean, what do you think of that?

MR. SHALOM: Well, so there were a couple things that Dr. Finkelstein talked about -- and I would welcome a longer conversation on it -- but one thing he said is, we think that child pornography is so bad that we don't let people talk about it. But that's not actually true. We don't let people view it or produce it; but, in fact, people could get up and make a passionate speech about why child pornography should be legal, and that is totally protected speech; and I think we all agree, it should be. That's very different than actually having child pornography, viewing child pornography, or producing child pornography.

And then he talked about inciting genocide. And there's a long line of cases about, when are you actually inciting violence. And saying vile, hateful stuff -- the courts have held, for a century now, it is not the same as inciting violence. And if it were, there are lots of places we could start -- with people who are saying things that are clearly leading to violence. But if there's not the direct link; if there's-- I mean, the classic case is a Klan rally, where the Grand whatever stood up and said all sorts of horrible things; but there was no immediacy to his call for a race war, or whatever nonsense he

was spewing. And the United States Supreme Court said that is constitutionally protected behavior; and that's vile. And we could debate whether that decision is right or wrong; but I submit that as soon as we start getting to what people are -- that their political beliefs, rather than their actions, or their suggestion to action-- Then it's not just going to hurt the Grand whatever of the Klan; it's going to hurt lots of political activists who I agree with on many more things than I do with the Klan.

SENATOR GREENSTEIN: Thank you.

MR. SHALOM: That's a concern.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you all very much; thank you.

Well, we have our last two speakers; we're almost at the end.

Rabbi Marc Kline, Monmouth Reform Temple; and we'll bring up Jason Shames, CEO, Jewish Federation.

ASSEMBLYWOMAN VAINIERI HUTTLE: Jason, we saved you for last, because (indiscernible).

SENATOR GREENSTEIN: The best is--

ASSEMBLYWOMAN VAINIERI HUTTLE: Linda and I are thinking about Israel exactly at this time, right?

J A S O N S H A M E S: Yes.

ASSEMBLYWOMAN VAINIERI HUTTLE: Last year.

SENATOR GREENSTEIN: We went on a trip to Israel, all of us and many others.

MR. SHAMES: I thought it was because we lived the furthest. (laughter) We thought we were grateful *after* rush hour traffic.

SENATOR GREENSTEIN: I know; well, sometimes that's better -- to wait until after.

RABBI MARC KLINE: It was this time last year that I took Dr. Chaudry and other interfaith clergy to Israel.

SENATOR GREENSTEIN: Okay.

RABBI KLINE: And CCAR.

SENATOR GREENSTEIN: Great.

ASSEMBLYWOMAN VAINIERI HUTTLE: I want to re-introduce Jason, if I may, because you have been doing this up in Bergen County, sort of, dealing with, I guess, security and hate crimes. And you had a couple of training sessions.

And so that's why I thought it was important to have Jason come down--

MR. SHAMES: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: --right?

Thank you.

And Jake, we didn't forget you; you were there, too, Jake.

SENATOR GREENSTEIN: Which one of you wants to start?

RABBI KLINE: Whichever you want; I'm not sure how to work--

MR. SHAMES: Whatever pleases the court.

SENATOR GREENSTEIN: All right; go ahead, Jason.

MR. SHAMES: All right; I'm up.

RABBI KLINE: You're on.

MR. SHAMES: Chairmen Greenstein and Huttler, Committee members, and distinguished guests, my name is Jason Shames, and I am the CEO of the Jewish Federation of Northern New Jersey.

As one of the state's largest not-for-profit agencies, we represent and serve over 125,000 families in Bergen and Hudson counties, as well as parts of Passaic County, such as Wayne.

Thank you, today, for this opportunity to speak before you on the matters of rising anti-Semitism and hate, and its effect on our great state. It is not only of tremendous importance to New Jersey's Jewish community of nearly a half a million, but should also be important to all New Jerseyans who believe in peaceful and cordial relations between all of our residents and citizens.

The rise in hate and bias incidents in northern New Jersey has reached an alarming level. As our Great American Society divides and civil discourse wanes, acts of bias increase. Since October 27, 2018, acts of anti-Semitism and hate have increased dramatically. In fact, just yesterday morning, I awoke to an e-mail informing me that a local private school, with national accolades and acclaim, reported two incidents of deep concern. To be brief and to share with you exactly what was reported, I quote from the e-mail, "The initial incident occurred on Friday, March 1, 2019. Graffiti was discovered in the boys' bathroom. The graffiti stated, "Kill all Jews" and "Kill all niggers." I hate using that word; I'm sorry.

Additional graffiti, similar in nature, was discovered again on Tuesday, March 5, in two different boys' bathrooms.

Incidents like this have been occurring with unprecedented frequency, and have required a response previously unconceived of. We at

the Jewish Federation of Northern New Jersey have been forced to reprioritize our focus and our resources; whereby our normal course of business would be to ponder the balance of using human and fiscal capital between social welfare programs -- like food and nutrition -- and Jewish identity programs for our youth, today we are forced more than ever to review safety and security needs and expenses. Additionally, staff time and energy is redirected towards efforts of fighting all hate and anti-Semitism, and responding to heinous acts in our community.

In idyllic towns, like Haworth, where I live; in Ridgewood, Hillsdale, Montvale, Tenafly, Cloister, and many others, swastikas have become all too common. They're used to intimidate and, yes, even for entertainment. Our adolescents have become desensitized to their meaning and influence; and the adults who use them know better and have only one purpose: to incite fear and hatred towards the Jewish community and the community at large.

These rising incidents and changes in public attitudes require proactive strategies that have real cost in dollars and in priorities. Specifically, our Jewish Federation hired a full-time Jewish Community Security Director. Gerard Dargan, a recently retired captain at the Bergen County Prosecutor's Office, was hired and began working with us this past Monday. His task will be to coordinate Jewish communal institutions and infrastructure with local police departments, as well as to develop training protocols and emergency response procedures.

To give you a sense of scope of this work, Federation's service delivery alone encompasses over 150 different locations, including synagogues, schools, and Jewish service agencies. Federation has also

increased its presence within public school districts and with educators. Just last month, we hosted a teacher training seminar in partnership with the Holocaust Museum and Center for Tolerance and Education in Rockland County. Over 100 educators were trained on how to address unconscious bias in schools and classrooms. A second training is now scheduled for May 15.

Over the past six months, we've hosted two Jewish community security forums attended by over 200 representatives, most of whom came from area synagogues. Our iCan Teen Task Force trains Jewish private and public high school students on how to converse constructively on anti-Semitic and anti-Israel behavior in the classrooms, and on the campuses they will be attending. Over 300 students have participated in its three-year history.

And we have been working closely with the Anti-Defamation League in response to incidents in our schools and communities. This includes working with the Pascack Valley School District, and using our relationships to fight all forms of hate and bigotry. To this end, we sponsored an ADL program in December at Temple Emanuel in Woodcliff Lake, focused on fighting bigotry and hate with civil discourse.

Our Jewish Community Relations Committee also advocates for public policy interests, on behalf of our community, through outreach with government officials and leaders of other faith, race, and ethnic groups. Our Federation has taken it upon itself to address the community security concerns by holding quarterly security forums on topics including active shooter drills, cyber security safety workshops, as well as education on emergency preparedness plans for both synagogues and day schools.

Just last year alone, we assisted five synagogues in securing \$10,000 grants for money from the New Jersey Nonprofit Security Grant Pilot Program; so thank you. We have also helped over 30 synagogues obtain national Homeland Security Grant Program awards, totaling over \$3 million, by providing hands-on guidance in the application process, as well as in the implementation of these grant awards.

Esteemed members of these Committees, there is no shortage of stories, that you have heard today, or responses that I can give you. However, we all know that our great state is at a crossroads. Our work could not be accomplished without the invaluable support we receive from law enforcement and our elected officials. I cannot tell you how grateful we are to all of you, all of your colleagues, and every single member of law enforcement in this state. We appreciate the special bond we have with you.

As the great Theodore Roosevelt once said, “To educate a person in mind and not in morals is to create (*sic*) a menace to society.” So too is our challenge today.

On behalf of the Jewish Community of Northern New Jersey, thank you, again, for your time and consideration today, and all that you do.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

Questions? (no response)

Most of our questions have been asked and--

SENATOR GREENSTEIN: Asked and answered.

MR. SHAMES: I am not offended. (laughter)

ASSEMBLYWOMAN VAINIERI HUTTLE: No, we appreciate each perspective from--

SENATOR GREENSTEIN: Yes.

ASSEMBLYWOMAN VAINIERI HUTTLE: And I think you're doing a terrific, I guess, service up in the northern New Jersey end of New Jersey--

MR. SHAMES: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: --with the training. It speaks volumes to the commitment. And I think all of us are in it to assist.

So thank you.

MR. SHAMES: Thank you.

SENATOR GREENSTEIN: Thanks.

Rabbi.

RABBI KLINE: Thank you for your patience.

All of my career I've been fighting this fight. I'm a recovering lawyer. (laughter) I practiced law in Arkansas for six years before going to rabbinical school; and I did all of the Civil Rights litigation for an otherwise all-minority law firm.

And when I was in South Carolina, in my first congregation, I co-led the march in Columbia, in 2000, to take down the Confederate flag, with the late Julian Bond, and Martin Luther King III.

With partners, we created the Justice First campaign, which is now in 22 States. And I brought it to New Jersey last year, on Juneteenth, in Asbury Park.

In Lexington, Kentucky, I chaired the Human Rights Commission, and uncovered predatory lending practices and pizza pricing -- if I may, the prices were different, depending on what zip code you lived in. Which is-- We can laugh at that, but that's insidious; it's insidious racism.

What I've learned, over this time, is that I think we ask some of the wrong questions. There's been a tremendous amount of testimony today about how we respond to hate. And I'd like to talk, just briefly, about how we keep it from happening to begin with; and it begins with education. And there's a real problem with the infrastructure of our educational system. Standardized testing is necessary because -- at least, we have to have some minimal standards to know that our schools are teaching. But what happens in our classrooms is, we teach the test. And 2 plus 2 does not have to always equal 4; 4 is one of the correct answers. 2 plus 2 can equal 5 minus 1; it can equal 22; it can equal a fish, if you put one upside the other. It can be 0, if you're talking about bananas, apples, and oranges.

But if a student puts anything other than 4 on a test, the student gets it marked wrong. And there's no opportunity for a student, who thinks outside of the box, to be able to say to a teacher, "But this is what I was thinking," or "This is what I meant." And we penalize our children for thinking freely.

My daughter just recently graduated high school; she's at Ohio State. She had enough AP credits to start as a second semester sophomore. She can't write; she never read a full book in high school. She read excerpts because, the idea was, we want to give you an opportunity to read all these different genres; but then she never had to actually, critically, go through an

entire book to make sense out of it. And she's an honors product of our school systems.

So we teach them in school how to take tests. For AP psych class, the entire year was, "This is how you pass the AP exam."

ASSEMBLYWOMAN VAINIERI HUTTLE: You should have testified in the Education Committee last week -- with the testing -- for the PARCC testing.

I appreciate your comments.

RABBI KLINE: But it's important there, and it's important here; because then we train our kids to think that this is the entire world. And there's no right answer other than the one that I know.

And then we send them out into the real world that doesn't operate on those terms; but then we force it to. So if your religion is different from mine, if your color is different from mine, if you love different than me, you're wrong. And then I become threatened because, all of a sudden, there are people who are telling me I'm wrong. And that's when violence happens.

We're creating this monster, perpetuating this monster, because we're telling schools that we only want to fund you if you can get more kids to say "4" than not. And if kids think outside of the box, the school gets penalized; teachers lose their jobs.

This is the root of the problem. And we can spend all sorts of money and energy talking about how to teach tolerance and how to tell people to engage in proper ways. But that's completely out of context for them because that means, over here, I have to play by these rules; but the rest of my life is very tunnel-visioned. If you go to a doctor, and you go to

that doctor with an illness, and that doctor says, "It's your heart" and treats your heart; there may be a problem with your heart, but it may be also your leg, and it may be cancer. But that doctor only knows how to treat your heart. You walk out having had surgery for your heart, and you die anyway. Why? Because the focus is so narrowly drawn.

So there's a story, in my tradition, of a village where -- they're right by a stream, and they notice one day some guy fell into the stream, upstream, and he's struggling. So someone puts a pole in, and pulls him out. And they say, at the town council meeting, "You know, we should have a pole there, so anybody that falls in the stream has something to hold onto. It's a safety measure." So they put the pole out there. And a couple months later, someone else falls in the stream, but can't reach the pole. And so someone has to throw a net out real quick. So then they decide, "Well, we're going to put a net out there, full-time, so if they can't reach the pole--" And this goes on and on, until someone says, "Well, why don't we see why they're falling in the stream, upstream, to begin with?"

The energy that we're spending -- there are so many laws on the books that are anti-hate and anti-discriminatory. And I can promise you, when I won a lawsuit, the defendant who lost did not go back to their boardroom and say, "Thank you, God; Marc enlightened us to the error in our ways." The law worked; we got the judgment. But that was after the humiliation, or after the injury. And the firm was upset that they got caught, and that it cost the money.

So we have to start at a much earlier age, in a much more concentrated way, in bringing people together.

No Hate at Home is a project that I've started in the Red Bank area. And right before the high holidays, an organization purporting to be the Ku Klux Klan spread fliers all over Red Bank. Anti-Jewish fliers; not anti-black fliers. It came out, in coincidence, with the movie *BlacKkKlansman*; and it was a horrific act. And I called a press conference and I said, "Don't hide behind your spray cans; don't hide behind leaflets. I'm here. Come tell me why you hate me." Of course, no one shows; because we make it very easy for people to hide in their hate. And we're lucky if we actually catch someone in the act, or if there is some DNA evidence. But again, folks, I think it's just simply too late if we continue to create laws to respond.

And we are susceptible to difficult messaging. I took my 10th graders to D.C. last week, to Capitol Hill, as part of a program. And one of the things we did is, I took them to the Holocaust Memorial Museum. And I asked them what it meant to be recognized as a human being in Nazi Germany. And they all know it, "You need to be Nordic, Aryan, blond hair, blue eyes, tall stature." Then I showed them a picture of Adolf Hitler, who was none of that. And I said, "How powerful is propaganda; how powerful is this stuff, when he can stand up in front of thousands of people and say, "You don't matter if you're not blond, if you don't have blue eyes, and you're not tall," and not one person said, "Excuse me, but you're none of those."

That's what happens when we don't teach our children to think; when they don't have the ability and the tools to come out of school -- the schools that we pay for -- with the ability to ask these tough questions, and the ability to stand up and be dignified in asking these

questions. Then we're condemning the next generation to passing more anti-hate laws that won't get listened to anyway.

So I appreciate your patience today. I love that there's dedicated work in trying to change the course of our conversations. But I don't think we need more laws; I really don't think we need any more laws. There's not a crime that you can think-- A hate crime that's not already covered under some law, somewhere in the books. What's not covered is how we keep it from happening to begin with.

So we should invest in education. We should fund schools because they teach, not because they get test scores. We should make sure that our children hear messages empowering them to speak, to speak with dignity.

My 32-year-old daughter -- the mother of my grandson -- when she was in 7th grade she won the Lieutenant Governor Writing Award in South Carolina. And her essay was "Racism: A Learned Disease." When she used to go with my late wife to pick up her sister from daycare, the kids were all playing; and the boys were wearing dresses and the girls were wearing ties. And it didn't matter what color, it didn't matter what religion; the kids were having a great time together. And Cory thought about that, and then she looked at her classmates and how segregated and separated they had become, and she said, "This is the 7th grade. Somewhere along the way we learned to disassociate from each other." It's not ingrained -- and I wish Senator Gill was here -- you know, she said it begins with love; absolutely it does. We learn not to like each other; it's not ingrained in us from the very beginning.

So I'm happy to help in any way that I can to change the course of how we do things. And I understand that this is not the testimony that everyone's been giving today; and I apologize for being off the charts in some way.

SENATOR GREENSTEIN: You're apologizing for being different; you just said that was a good thing. (laughter)

RABBI KLINE: Well, it's not what you expected. And my testimony you have; but some of it has already been said.

But please, let's figure out how we start differently, so that we don't have to continue to put Band-Aids to heal wounds that never should have been caused to begin with.

SENATOR GREENSTEIN: Rabbi, I do have a question for you.

These programs that you've started -- you mentioned one--

RABBI KLINE: No Hate at Home.

SENATOR GREENSTEIN: Yes, No Hate at Home and others. And I think you were a very good person to end up -- be the last person, because you do have a slightly different perspective.

But do you feel, so far, that those programs have been successful; and how do you measure success on that?

RABBI KLINE: Yes and no.

That's a real Rabbi's answer. (laughter)

It depends.

Part of the work-- I'm now -- I guess I'm now officially the Interfaith Chair of our Heart of New Jersey Federation. I've led two Interfaith clergy trips to Israel, and as I said, Dr. Chaudhary was on the last

one. And he, and I, and several others have taken the pledge that he gave you, all over the state. In fact, the Senate and the Assembly, a couple of years ago -- individually, everyone signed it; and then we had the whole body vote for it. And it's a blessing to know him.

So when you engage people, you break down some of the barriers. The late Jerry Falwell and I would have agreed on almost nothing, except that we could have built handicap ramps into places of public accommodation. And having built those ramps, we could, then, have other conversations.

But we're very much accustomed to cutting people off because of what we don't agree, than finding someplace where we can. So the foundation of the things I'm trying to do in these programs is to change the beginning of the conversation.

In Red Bank, one of the things that we've noticed is that the west side of Red Bank has almost no say in our city government. Why? The Mayor will say, and rightly so, every position for committees gets published on the website. If there's an opening, it's on the website. Today they're forming a new committee; it's on the website. And my question is, if you don't have access to the website, then it doesn't matter. Well, then it's word of mouth. Well, if the only people who are in power are the word of mouth, then they're going to only talk to the people with whom they associate. So when the Human Relations Advisory Committee culled the roles of all the city committees, there's a horrific disparity in racial representation.

And so now we're figuring out how to take what is happening in Red Bank, in terms of its demographics, and then create better

representation. In that case, more people have more say, and you have a better outcome.

Louis Moore, who is the Superintendent of Red Bank Regional High School, has taken “No Hate At Home” into the schools, and we’re starting to have some different conversations there.

Where people engage -- it’s really meaningful; but we need to get a bigger buy-in. And that’s the difficulty, because a lot of people don’t see that.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. SHAMES: Yes, I would just add -- and thank you -- that the challenge that we have is that the people who are already brought into inclusion and getting along are attending a lot of these programs. So it becomes awfully challenging, trying to get the masses who were not co-opted into the message to come. And that seems to be the biggest challenge we have.

So there’s this philosophy out there -- and we’re doing this with the Pascack Valley School District next week, March 19, that they’re doing Unity in the Valley, because that one particular district has been hit hard. But the fear is that only those who care are showing up, and the people who are supporting hate at home are not showing up.

And so that’s a real challenge; I’m not sure what the answer is. But to tag along with what the Rabbi said, on my right, that there has to be-- And that’s why I like the Theodore Roosevelt quote, about adding morals to education, not just the academic component of education. And that’s how you have to start addressing some of these challenges.

These adolescents are getting it from a lot of places. They're getting it from the web, they're getting it from peers, they're getting it from whatever games they're playing online. But they're mostly getting it at home.

RABBI KLINE: And the best answer is, you bring it to them. We go into the schools where they are. We go into the Boys and Girls Center, where kids are for after-school care. I'm talking with the Monmouth County YMCA about creating programming that coincides with this messaging.

And we have found that when you reach kids, they sometimes retrain their parents; which is really incredibly cool. And forgive me for one second -- the program I take my 10th graders to in D.C., L'Taken -- it teaches high school kids how to be part of the process, the electoral process and the legislative process. And you watch teenagers become young adults over a weekend. In one case, two years ago, I had a student who comes from a very right-wing family, who, in the process of studying climate and how we impact that with the roads that we build, and where we put the roads, and where we put the dumps -- because they don't go in the affluent communities, of course -- all of a sudden she said, "I never knew what we were doing to people." She went back, she told her family. They now helped to create an environmental organization in the area.

So it's ignorance; most of the stuff is what we don't know, because we live in a world of privilege. And privilege is insidious, yes; but it also is -- it's not something we caused on ourselves, it's where we grow up. And if we don't expand our perspectives, and we don't expand our vision,

then we stay in that world of privilege and, unintentionally, we do horrific things to each other.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

RABBI KLINE: Thank you.

MR. SHAMES: Thank you.

SENATOR GREENSTEIN: Thank you so much.

Oh, you have a question?

ASSEMBLYWOMAN CHAPARRO: It's more of a comment.

Rabbi, I think you were the best one to end it.

Everyone had great testimony; and we were all listening, and we all have a lot to take in.

But I have to get the transcript to this, just to take the part that you were saying, so my son can read it; so many people can read it. Because it is important that we-- He went to school; he went to Saint Peter's Prep in Jersey City, and I chose to take him out of the public schools to put him in there just so he can focus. Because I knew it was a tough school.

But one of their things is "Men for Others." And it does have to start in school; and especially children -- small children are easy. They all want to play, they all want to love each other, hug each other. That's what they do. But when they start to grow, and their hormones start to kick in, and what's cool, what's not-- and they go along with others, but they don't really feel it -- it has to be addressed in school; it has to start.

And I think what you -- both of you touched on is important, and I really thank you for that. Because, you know, where there-- It is a

long day, but you grabbed my attention; and it's important, and I really need to get that script, because it's important for somebody else to read it, and we need to pass that along.

RABBI KLINE: If I can be of any service--

ASSEMBLYWOMAN CHAPARRO: Absolutely.

RABBI KLINE: --this is what I do. I am blessed that I have a congregation that wants me to do the work of this -- building bridges and healing these problems.

So please, use me.

ASSEMBLYWOMAN CHAPARRO: Yes; thank you.

MR. SHAMES: I would say you triggered something.

Tracy Zur -- a Federation Board member and a Bergen County Freeholder -- had this idea, I don't know, six months ago, that the way to get to the kids was actually not through the schools, but through the extracurricular activities that every kid participates in. It was an interesting concept; and she was meeting with the mayors, mostly in the Pascack Valley, to see if we can do it through soccer. And she was looking into the statistics of the number of kids who participate in that. Because her sense was that the schools were on the track the Rabbi was talking about; but a place to create more unity and diversity was in these other programs. It's an interesting tack; I mean--

ASSEMBLYWOMAN CHAPARRO: How about both?

MR. SHAMES: I don't think she chose one or the other; she just thought one was being neglected a little more.

ASSEMBLYWOMAN CHAPARRO: Let's do both.

RABBI KLINE: We held a Youth Gang Initiative in Lexington; and this is really interesting, because we thought about taking it through community programming. And there was a question of using the parks, when they were off-hours, unsupervised.

ASSEMBLYWOMAN CHAPARRO: Right.

RABBI KLINE: And the parks and rec director stood up and said, "Well, you know, there's liability issues and, and, and." And a 17-year-old gang member got up and said, "So you don't want me to break my leg on a soccer field, so you'll let me do it in a back alley." I mean, our kids know what they need. We need to give them opportunity.

ASSEMBLYWOMAN CHAPARRO: Thank you.

RABBI KLINE: Thank you.

SENATOR GREENSTEIN: Thank you.

ASSEMBLYWOMAN VAINIERI HUTTLE: I think the Assemblywoman touched on something that we all can say -- that each testimony gave us a different perspective. And I think we value each and every one of the testifiers.

So I want to thank my colleagues for staying; and I want to thank all of the people who testified. I think it was very helpful, and I want to thank the Senator for actually recommending this joint hearing.

SENATOR GREENSTEIN: I am very glad to have done this hearing with your Committee. And a few of your people stayed; mine were here for a long time too.

And I really think that we had a great group of speakers; and even the order worked out well. So I'm very pleased with it.

ASSEMBLYWOMAN VAINIERI HUTTLE: Thank you.

SENATOR GREENSTEIN: Thank you to our staff.

ASSEMBLYWOMAN VAINIERI HUTTLE: Right.

SENATOR GREENSTEIN: They always do a great job, and help us so much.

Thank you, all.

ASSEMBLYWOMAN VAINIERI HUTTLE: Hearing is adjourned; thank you.

SENATOR GREENSTEIN: Thank you.

(MEETING CONCLUDED)