

# Congressional Testimony

## Countering Domestic Terrorism: Examining the Evolving Threat

Testimony of  
George Selim  
Senior Vice President for National Programs  
ADL (Anti-Defamation League)

at a hearing before the  
Senate Committee on  
Homeland Security and Governmental Affairs

Washington, D.C.  
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*Working to stop the defamation of  
the Jewish people and to secure  
justice and fair treatment for all  
since 1913*

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**at a Hearing titled, “Countering Domestic Terrorism: Examining the Evolving Threat”**  
**September 25, 2019**

Mr. Chairman, Ranking Member Peters, Members of the Committee, good morning. I am George Selim, Senior Vice President for Programs at the ADL, and it is an honor to appear before you today to address the issue of domestic terrorism and the threat it poses to our communities.

I am honored to have served our country in the Bush and Obama Administrations, and briefly in the Trump Administration. My most recent experience as a career civil servant was serving as the Director of the interagency Task Force for Countering Violent Extremism and as the Director of the DHS Office for Community Partnerships. Now at ADL, I oversee a team that investigates extremists across the ideological spectrum, including white supremacists and other far-right violent extremists, produces research to inform the public on the threat, and works with the law enforcement and educational sector to promote best practices that undermine or counter threats to communities. Unfortunately, from my new vantage point, I have seen the rise of far-right violent extremism in the United States with white supremacist groups adopting some of the same tactics that I formerly countered when ISIS used them. And I have seen our policies go backward – not only failing to counter the threat but shirking the responsibility to increase our efforts to do so.

Since 1913, the mission of ADL (Anti-Defamation League) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” For decades, ADL has fought against bigotry and anti-Semitism by exposing extremist groups and individuals who spread hate and incite violence.

ADL’s data suggest that extremism is on the rise. The question is not *if* another domestic terrorism tragedy will take innocent lives in America, but *when*. Some security risks are ever-present, so some risk is to be expected. But domestic terrorism is on the rise and our policies are moving in the wrong direction to help address the challenge. Today, I will lay out the threat landscape, how our government is currently handling it, and what ADL recommends you can do to take immediate action to prevent future tragedies.

**The New and Increasing Threats in Domestic Terrorism**

The morning of Saturday, August 3, 2019, a gunman opened fire at a Walmart in El Paso, Texas, and at the adjacent Cielo Vista Mall. Had Patrick Crusius – the alleged shooter – been an Islamist extremist, the odds are higher that he would have been interdicted before the tragedy.<sup>1</sup>

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<sup>1</sup> Oral remarks by George Selim, House Oversight and Government Reform Subcommittee on Civil Rights and Civil Liberties on May 15, 2019. Citing University of Maryland’s National Consortium for the Study of Terrorism and Responses to Terrorism (START), Profiles of Individual Radicalization in the United States

Instead, he was able to take 22 innocent lives – the deadliest white supremacist attack in the U.S. in 50 years. The alleged shooter is believed to have posted a four-page manifesto to 8chan prior to the attack. His justification for the deadly spree was that he was defending his country from “cultural and ethnic replacement brought on by an invasion.”

One of the most telling elements of his post is that in it, he also expressed support for the Australian white supremacist, mass-murderer Brenton Tarrant, the accused shooter in the March 2019 mosque attacks in Christchurch, New Zealand that left 51 people dead. Like the El Paso shooter, we assess that Tarrant likely turned to 8chan to post what he referred to as an “explanation” for his deadly rampage, providing links to his own manifesto, which he called “The Great Replacement.” In it, he fixated on the white supremacist notion that white European society will be overrun by migration from Muslim and African nations. In his manifesto, Tarrant addressed his preferred online community – that of the fringe site 8chan – directly, as co-conspirators in his movement, and explicitly directed them to “do your part.” Just one month later, at the Chabad Congregation in Poway, California, John Earnest allegedly killed an innocent woman and injured others just after posting a link to his own manifesto on 8chan, offering the same kind of white supremacist tropes and citing the Christchurch and Pittsburgh shooters for inspiring his own deadly attacks.

These are only the most recent attacks. They all leveraged 8chan to spread their manifestos. These came after the horrific tragedy almost one year ago, on October 27, 2018, when Robert Bowers allegedly perpetrated the deadliest attack against Jews in American history, using an assault rifle and three handguns to take eleven innocent lives at the Tree of Life Synagogue in Pittsburgh.<sup>2</sup> As he committed the attack, he shouted, “All Jews must die.” He did so because he said he believed that the congregants in that synagogue were helping non-white immigrants invade America.

Four white supremacist attacks. One targeted Muslims, two targeted Jews, and another the Latinx community and immigrants. Each of the alleged perpetrators spread their propaganda and leveraged the internet as a weapon. These stories are the face of white supremacist terrorism. They will not be the last such tragic stories. From my government experience, had these attacks been committed by ISIS, I can guarantee you the national security structure would be in crisis mode at this pernicious and severe threat to our communities. Where is that outrage and whole-of-government mobilization in the face of white supremacist terrorism?

In January 2019, ADL published our fourth annual report on extremist-related murders, “Murder and Extremism in the United States in 2018,” finding that of the 50 murders committed by extremists last year, all but one were conducted by right-wing extremists and 78% were tied

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(PIRUS). <https://www.adl.org/news/article/adl-svp-of-programs-testified-before-congress-addressing-the-threat-of-white-supremacy>

<sup>2</sup> Jay Croft and Saeed Ahmed, “The Pittsburgh synagogue shooting is believed to be the deadliest attack on Jews in American history, the ADL says,” CNN, October 28, 2018. <https://www-m.cnn.com/2018/10/27/us/jewish-hate-crimes-fbi/index.html>.

specifically to white supremacy.<sup>3</sup> The one murder attributed to an Islamist extremist was perpetrated by someone who had a past tie to white supremacy. By contrast, only 62% of extremist killings in 2017 were committed by right-wing extremists, and only 21% in 2016.

Of the 427 people killed by extremists in the last 10 years, 73% have been at the hands of right-wing extremists – 76% of these carried out by white supremacists – making white supremacists the deadliest type of extremist movement in the United States over the past 10 years, by far. During the period between 1970 and 2018, the five deadliest years for murders by domestic extremists occurred, and three of them are within the last five years.

Hate is on the rise in our country, including against the Jewish community. Since 1979, we have compiled an annual *Audit of Anti-Semitic Incidents* (the Audit) throughout the United States, including both criminal and non-criminal acts of harassment and intimidation, including distribution of hate propaganda, threats, and slurs. The data we have compiled from the last three years show that anti-Semitism in America is far more pervasive than in previous years. Our Audit for 2018 recorded 1,879 anti-Semitic incidents in the United States.<sup>4</sup> Last year was the third-highest year on record since ADL began tracking incidents in 1979 and it saw a doubling of anti-Semitic assaults compared to 2017. While most anti-Semitic incidents are not directly perpetrated by extremists, there are interesting connections between the trends. We found in our Audit that in 2018, 249 acts of anti-Semitism (13 percent of the total incidents) were attributable to known extremist groups or individuals inspired by extremist ideology, making it the highest level of anti-Semitic incidents with known connections to extremists or extremist groups since 2004.

FBI data shows a similar growing threat. The FBI documented 7,175 hate crimes reported by 16,149 law enforcement agencies across the country in 2017 – the highest level of participation since the enactment of the Hate Crime Statistics Act of 1990, and a 6 percent increase over 2016 participation of 15,254.<sup>5</sup> Of the 7,175 total incidents, religion-based crimes increased 23 percent. Crimes directed against Jews increased 37 percent – from 684 in 2016 to 938 in 2017; 60 percent of the total number of reported religion-based crimes were directed against Jews and Jewish institutions. Many hate crimes go unreported, so this may just be the tip of the iceberg.

With hate and extremism in America on the rise, it is white supremacist extremist violence that is currently the greatest threat to Americans.

The movement is not as obvious about its true objectives as it might once have been when racist skinheads dominated white supremacists' ranks in the 1980s and early 1990s. Today, many of them seek to dress in a non-descript manner and use coded language. Within the white supremacist community, there is some disagreement on strategy. Some feel the need

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<sup>3</sup> ADL. "Murder and Extremism in the United States in 2018," available at <https://www.adl.org/murder-and-extremism-2018#murder-and-extremism-in-the-united-states-in-2018>

<sup>4</sup> ADL. "Audit of Anti-Semitic Incidents: Year in Review 2018." <https://www.adl.org/audit2018>

<sup>5</sup> FBI, *Hate Crime Statistics 2017*, <https://ucr.fbi.gov/hate-crime/2017>

to adhere to “optics”<sup>6</sup> and purposefully obfuscate their views in order to infiltrate mainstream politics (an approach decried by Bowers immediately before his attack), while others hope to purposefully spark a race war, an ideology known as “accelerationism.”<sup>7</sup> With one approach involving secrecy and coded language, and the other sometimes including seemingly random acts of violence, both approaches are alarming in their potential to shift from seemingly innocuous conspiracies to violent tragedy.

Our 2018 data shows a 182% increase of white supremacist propaganda incidents, with 1,187 cases reported, compared to 421 in 2017.<sup>8</sup> While hate on campuses is still at a relatively high point, on-campus incidents increased only modestly (9%) compared to 2017. However, off-campus incidents spiked – a 572% increase, year-on-year. The propaganda, which includes everything from veiled white supremacist language to explicitly racist images and words, often features a recruitment element, and frequently targets minority groups, including Jews, Blacks, Muslims, non-white immigrants and the LGBTQ community. We urge your Committee to regularly consult our Hate, Extremism, Anti-Semitism, and Terrorism (HEAT) Map,<sup>9</sup> which provides the public with a jurisdiction-specific, ongoing opportunity to observe incident and propaganda data from throughout the country.

When I worked for the federal government to counter ISIS, I watched as this terrorist group abused social media resources like Facebook and Twitter, and then migrated to less-common platforms like Telegram. White supremacists similarly use both mainstream platforms – ranging from Facebook and Twitter to Reddit – as well as those less scrutinized by the public eye. For example, largely as a response to being removed from Twitter for violating its terms of service, the alt right has created its own social media platform, called Gab,<sup>10</sup> where they feel at liberty to share content that typically would not survive standard social media platform content policy. Gab was the preferred platform of the alleged perpetrator of the murderous attack on worshippers at the Tree of Life Synagogue in Pittsburgh.<sup>11</sup>

One of the most significant and underreported-on social platforms is 4chan, a 15-year-old “imageboard,” which serves as a key source of internet memes.<sup>12</sup> Its “politically incorrect” sub-forum, “/pol” includes an anarchic collection of posts that range from relatively innocuous to highly offensive. 4chan’s success at proliferating offensive memes has borne imitators, such as 8chan – the preferred sites of the alleged perpetrators of the Poway, Christchurch, and El Paso attackers.

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<sup>6</sup> ADL. “Tree of Life Shooting Revives ‘Optics’ Debate Among White Supremacists.”

<https://www.adl.org/blog/tree-of-life-shooting-revives-optics-debate-among-white-supremacists>

<sup>7</sup> ADL. “White Supremacists Embrace ‘Accelerationism.’” <https://www.adl.org/blog/white-supremacists-embrace-accelerationism>

<sup>8</sup> ADL. “White Supremacists Step Up Off-Campus Propaganda Efforts in 2018.”

<https://www.adl.org/resources/reports/white-supremacists-step-up-off-campus-propaganda-efforts-in-2018>

<sup>9</sup> ADL. H.E.A.T. Map. <https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map>

<sup>10</sup> See, e.g. ADL “Gab Was Down for a Week, Forcing Extremists to Consider Their Alternatives.”

<https://www.adl.org/blog/gab-was-down-for-a-week-forcing-extremists-to-consider-their-alternatives>

<sup>11</sup> See, e.g. ADL “Deadly Shooting at Pittsburgh Synagogue.” <https://www.adl.org/blog/deadly-shooting-at-pittsburgh-synagogue>

<sup>12</sup> ADL. “From 4Chan, Another Trolling Campaign Emerges.” <https://www.adl.org/blog/from-4chan-another-trolling-campaign-emerges>

Similar to the Pittsburgh shooter, the Christchurch shooter was keenly interested in the concept of “white genocide,” which has proven one of the most virulent conspiracy theories among white supremacists. Tarrant allegedly posted his manifesto and goaded potential followers on 8chan, the same type of proselytizing and incitement to violence that, if it were done by an ISIS supporter, would inspire significant government reaction to counter and prevent. As described in our April 2019 report<sup>13</sup> with analysis from the Network Contagion Research Institute, the Pittsburgh and Christchurch massacres both involved online announcements of their intentions, both subscribed to the same violent extremist ideology, and both used their respective platforms – Gab and 8chan – as key tools in advancing their cause. Both alleged killers announced these violent plans to their preferred internet forums and were consumed by the white supremacist conspiracy theory of “white genocide,” which is frequently referenced on both sites. Both Gab and 8chan are rife with white supremacist, hateful, anti-Semitic bigotry. Earnest, inspired by Tarrant, attempted to livestream his attack in Poway and replicate the carnage of Christchurch.

This sick attempt at inspirational copycat behavior is pervasive, and the risk of further incitement is severe. Anders Breivik, the Norwegian far-right terrorist who killed 77 people in 2011, influenced Tarrant. American white supremacist Dylann Roof, who killed nine black parishioners in South Carolina in 2015, also influenced Tarrant. Tarrant influenced Earnest. The inspiration is global,<sup>14</sup> and the trend is alarming.

While the most extreme forms of online content thrive on websites like 8chan, Gab, and 4chan, larger social media platforms like Facebook, Twitter, and YouTube need to remain vigilant. Extremists leverage larger mainstream platforms to ensure that the hateful philosophies that begin to germinate on message boards like Gab and 8chan find a new and much larger audience. Twitter’s 300 million users and Facebook’s 2.4 billion dwarf the hundreds of thousands of users on smaller fringe websites. White supremacists make use of mainstream platforms in specific and strategic ways to exponentially increase their audience while avoiding content moderation activity that Facebook and Twitter use to remove hateful content. These include creating private pages and events, sharing links that directly lead users to extreme content on websites like 8chan, as well as using coded language called dog whistles to imply and spread hateful ideology. At the same time, our knowledge on the efficacy of platforms’ content moderation initiatives at dealing with the problem of white supremacist activity remains concerningly limited.

In response to the 2017 Unite the Right rally, a white supremacist rally in Charlottesville, Virginia, and subsequent hate crimes by extremists, there have been many well-publicized efforts by mainstream social media companies and internet service providers to stem the tide of hate and extremism online. After the Charlottesville rally, technology companies ranging from large social media platforms like [Facebook](#) to payment processors like [PayPal](#) and cybersecurity services like [Cloudflare](#) took action to expel white supremacists from their

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<sup>13</sup> ADL. “Gab and 8chan: Home to Terrorist Plots Hiding in Plain Sight.” <https://www.adl.org/resources/reports/gab-and-8chan-home-to-terrorist-plots-hiding-in-plain-sight>

<sup>14</sup> See, e.g., Cai, Waiya and Simone Landon. “Attacks by White Extremists Are Growing. So Are Their Connections.” *New York Times*. 3 April 2019. <https://www.nytimes.com/interactive/2019/04/03/world/white-extremist-terrorism-christchurch.html>

services. But these policies have been reactive to incidents and not comprehensive, forcing technology companies to respond to violent white supremacist activity on an ad hoc basis over the last year. The Christchurch massacre was livestreamed on Facebook Live, causing Facebook to change its livestreaming policy. PayPal provided payment services to the fringe platform Gab, where the Pittsburgh shooter was radicalized, but cut off its services after the shooting. Cloudflare provided cybersecurity services to 8chan, and publicly withdrew its services after 8chan was blamed for helping to radicalize the perpetrator in the shooting in El Paso (among others). If technology companies took significant action and pursued a sufficiently holistic approach to address white supremacy and hate in 2017 as they claim to have done, the services provided by these their platforms would not continually be exploited to target others and spread hate two years later.

Fueled by virtual globalization, but extending beyond the internet, we are witnessing an internationalization of the white supremacist movement. Over the past decade, we have seen surging violence in the United States, Europe, and beyond motivated by elements of white supremacy from Anders Breivik in Norway to Brenton Tarrant in New Zealand to Patrick Crusius in El Paso, Texas. These killers influence and inspire one another. European and American adherents are learning from each other, supporting each other and reaching new audiences.

For example, the London Forum, a far-right discussion group run by Jeremy Bedford-Turner, who was jailed for one year for inciting racial hatred, has spawned U.S. equivalents.<sup>15</sup> American white supremacist Greg Johnson, who has spoken at The Forum's meetings, was sufficiently impressed by the London Forum that he created the New York Forum, the Northwest Forum and the Atlanta Forum.<sup>16</sup> Since the 2000s, German and American white supremacists (for example, David Duke) have participated and spoken at one another's conferences and events.<sup>17</sup> German far-right online activists are also inspired by the American "alt right" and try to copy their ideas, memes and trolling strategies. Analogous to online activity around the 2016 U.S. presidential election, a network of new and old German far-right activists tried to copy the strategies of "memetic warfare" by organizing on Discord servers, a chat and messaging platform, fighting people who are pejoratively described as social justice warriors and promoting the far-right party Alternative for Germany using memes.<sup>18</sup> The rise of the "alt right" in America has given new prominence to the ideas of the French New Right, a school of thought born in the 1970s with the goal of ideologically influencing the mainstream

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<sup>15</sup> Lizzie Deardon, "Former British soldier jailed for antisemitic speech where he incited supporters to 'free England from Jewish control,'" The Independent, May 15, 2018. (<https://www.independent.co.uk/news/uk/crime/jeremybedford-turner-race-hate-speech-antimsemitism-british-soldier-england-jewish-control-a8352561.html>)

<sup>16</sup> Greg Johnson, "The Second Meeting of the Northwest Forum," Counter Currents Publishing, February 27, 2017. (<https://www.counter-currents.com/2017/02/the-second-meeting-of-the-northwest-forum/>)

<sup>17</sup> Thomas Grumke, "Die transnationale Infrastruktur der extremistischen Rechten," in Globalisierter Rechtsextremismus? Die extremistische Rechte in der Ära der Globalisierung, ed. Thomas Greven and Thomas Grumke (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006).

<sup>18</sup> Kira Ayyadi, "Wie 'Reconquista Germanica' Auf Discord Seine 'Troll-Armee' Organisiert," Bell Tower News, February 15, 2018. (<https://www.belltower.news/wie-reconquista-germanica-auf-discord-seine-troll-armeeorganisiert-47020/>)

conservative right on topics including race relations, ethnicity, and the pagan roots of European culture and bioethics. The New Right has had an influence on a number of American white supremacists, including Jared Taylor and Richard Spencer. Both Taylor and Spencer have spoken about the impact of the works of New Right thinkers such as Alain de Benoist and Guillaume Faye on their own ideology and invited these men to their own conferences in the U.S. Other examples abound.

Not unlike the rise of ISIS radicalization, there is no single cause that motivates individuals to radicalize. As such, there is no single solution to address the threat, and from varied sectors and a wide variety of tools from the government, private, and non-profit sectors. Unfortunately, when we need the government to step up to lead, it is absent or even moving in the wrong direction.

### **Critical Gaps in Addressing the Threat**

While representatives of the FBI recently testified that there are 850 cases being investigated to counter domestic terrorism,<sup>19</sup> we have little information on the nature of the threat or what exactly the government is doing. The 850 cases are a significantly less than the 1,000 cases FBI officials testified were underway in 2017,<sup>20</sup> despite an escalation of the threat. FBI officials have testified that they lack the legal tools to counter the threat as effectively. Further, the FBI told members of Congress that it had revised its eleven categories of domestic terrorism on which it once reported and folded them into four categories. White supremacy, which was its own category, is now included in a broader “racially motivated violent extremism,” along with publicly unknown other types of violence. At a time when the threat from white supremacy is growing, being less precise and transparent could obscure this threat rather than sharpen the tools for addressing it.

Similarly, the *Daily Beast* reported that the unit in the Department of Homeland Security’s Office of Intelligence and Analysis (I&A) focused on domestic terrorism was disbanded, and its analysts folded into other units, limiting the ability of DHS to fully grasp the nature of the threat our communities face.<sup>21</sup>

At DHS, I served as the Director of the interagency Countering Violent Extremism Task Force and oversaw what was then the Office for Community Partnerships (OCP). A program that had \$10 million in grant funding to empower local civil society organizations, public health practitioners, and local law enforcement to recognize radicalization and prevent community members from going down a violent path is now defunct. What was once an office with 16 full-time employees and 25 contractors with a \$21 million budget is now approximately an eight-person office with less than \$3 million in funding.

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<sup>19</sup> See, e.g., Myre, Greg. “FBI Is Investigating 850 Cases Of Potential Domestic Terrorism.” *NPR*. 8 May 2019. <https://www.npr.org/2019/05/08/72152539/fbi-is-investigating-850-cases-of-potential-domestic-terrorism>

<sup>20</sup> Barrett, Devlin. “FBI investigating 1,000 white supremacist, domestic terrorism cases.” *Washington Post*. 27 September 2017. [https://www.washingtonpost.com/world/national-security/fbi-investigating-1000-white-supremacist-domestic-terrorism-cases/2017/09/27/95abff24-a38b-11e7-ade1-76d061d56efa\\_story.html?utm\\_term=.c681ea42dde4](https://www.washingtonpost.com/world/national-security/fbi-investigating-1000-white-supremacist-domestic-terrorism-cases/2017/09/27/95abff24-a38b-11e7-ade1-76d061d56efa_story.html?utm_term=.c681ea42dde4)

<sup>21</sup> Woodruff, Betsy. “Homeland Security Disbands Domestic Terror Intelligence Unit.” *Daily Beast*. 2 April 2019. <https://www.thedailybeast.com/homeland-security-disbands-domestic-terror-intelligence-unit>



DHS recently released its new “Strategic Framework for Countering Terrorism and Targeted Violence.” We applaud that, like the Administration’s Counterterrorism Strategy, this document calls out the need to address domestic terrorism, including white supremacy. We also applaud the emphasis on civil liberties protections and engaging with communities for prevention and transparency. However, the Counterterrorism Strategy made similar commitments and we have yet to see that translate into action. While the document is an improvement in both organization, priorities, and rhetoric, we hope it is not a plan in speech only and – under an Administration that seems intent on preventing Departments and Agencies from countering domestic terrorism – we need to see more concrete action from other parts of the Executive branch.

Rhetoric that demonizes vulnerable Americans, policies that profile communities of color and directly discriminate against Muslims based on their religion – this Administration’s policies and rhetoric have broken trust with the communities most directly under threat from white supremacist violence. Congress must create policies that mitigate its damage, and if the Administration is to regain the public’s trust, they and leaders throughout our country will need to commit to robustly communicating and demonstrating that bigotry will not be tolerated.

Unfortunately, the structural factors that could keep the government on track to address the challenge of domestic terrorism in these troubling times are simply not in place. If the federal government addresses domestic terrorism at all, agencies do so as a matter of policy, rather than law. Further, the public is scarcely aware what the government thinks of the threat of domestic terrorism and what it is doing to counter it. The limited information provided by Administration officials in hearings and letters to Congress and the decision to obscure and limit access to data on this threat make it difficult to know the true prevalence of domestic terrorism or what the government is really doing to counter it. What we do know is that the Administration is not doing enough. Greater transparency is critical in understanding what policy challenges remain and, just as significantly, accurate reporting on the threats to communities can help lawmakers ensure that the FBI is applying investigative resources in line with real threats and not based on the identity or political beliefs of the subjects.

Information flow is not only critical between the government and the public broadly, but also within the government and between the government and key non-government actors. For example, the National Counterterrorism Center (NCTC), lacks the authority to address domestic terrorism, despite the fact that – as the government’s terrorism information-sharing hub – it possesses key interagency connections, critical information, and the core skills needed to spread knowledge of the threat throughout the government. The Countering Violent Extremism Task Force was disbanded, despite facilitating terrorism prevention best practices throughout the government. Moreover, there are many civil society organizations – like ADL – with expertise in domestic terrorism and whose connections to communities can help mitigate the threat, but there is limited information provided to organizations like ours, and few systematized mechanisms by which we can engage on these issues fruitfully.

While countering domestic terrorism itself is the core objective of this hearing, we cannot ignore the relevance of precursor crimes, such as hate crimes that are committed for the same

discriminatory motivations, even if they do not rise to terrorism. Not only do hate crimes and civil liberties concerns not rank as a top FBI priority, state and local governments struggle for the expertise to address hate crimes and lack available incentives and the resources to facilitate comprehensive reporting of them. For example, the FBI has been tracking hate crimes and preparing an annual report on hate crimes since 1991, but, like all FBI crime reporting, this data collection program is voluntary – and it is clearly incomplete. In 2017, the most current data available, hundreds of federal and local police agencies *did not report any data to the FBI* – including nine cities over 100,000 in population. And another 82 cities over 100,000 affirmatively reported zero (0) hate crimes to the FBI. Congress should act swiftly to ensure that the federal government transparently reports on hate crimes to the public, and that state and local governments are empowered to effectively report hate crimes to the federal government to guarantee this reporting accurately represents the threat of hate in our communities.

Preventing the next generation of domestic terrorists will be critical to change the trends in the threat. Programs like those I used to manage for DHS can empower local actors around the country to provide “off-ramps” from extremism, such as the provision of counseling and/or mental health services. Creating non-coercive partnerships with law enforcement can encourage trust with communities under mutually agreeable terms. If there were more opportunities to engage with communities, and more research into how extremist narratives might penetrate once-innocent community members, we could explore early warning approaches and support civil society to promote “alternative narratives” that might reduce the likelihood that someone would consume extremist content and believe extremists’ conspiracy theories. One approach that shows considerable promise is the use of “formers” – people who have left extremist movements are more likely to be credible to potential adherents to those movements. Organizations such as Life After Hate and prominent rehabilitated figures have an authenticity that resonates with vulnerable populations. At a time when the Administration lacks credibility on these issues, it is non-profits, academic institutions, and other civil society actors that must be at the lead of such programs, allowing distance from this Administration and, in fact, the government writ large, and hopefully depriving today’s extremists of tomorrow’s recruits.

When prevention fails and individuals do turn to extremism, much more can be done to reduce their lethality. For example, there were fewer lethal extremism incidents in 2018 than in 2017 (17 compared to 21), but the events were significantly deadlier—and the 2018 shooting sprees were responsible for most of the deaths. These attacks are in large part intensified by the use of guns. In both high- and low-casualty attacks, domestic extremists used guns in 42 of the 50 murders they committed in 2018, far outpacing edged weapons or physical assaults. Over the past ten years, firearms were used in 73% of domestic extremist related killings in the United States. It is clear that guns are the weapon of choice among America’s extremist murderers, regardless of their ideology.

Our federal legal system currently lacks the means to prosecute a white supremacist terrorist as a terrorist. Perpetrators can be prosecuted for weapons charges, acts of violence (including murder), racketeering, hate crimes, or other criminal violations. But we cannot legally prosecute them for what they are: terrorists. Many experts have argued that, without being so empowered, there is a danger that would-be domestic terrorists are more likely to be

charged with lesser crimes and subsequently receive lesser sentences. Others have argued that there are a sufficient number of criminal provisions already on the books that can be used to cover this gap. Congress should begin immediate hearings and consultations with legal and policy experts, marginalized communities, and law enforcement professionals on whether a rights-protecting domestic terrorism criminal charge is needed – and whether it is possible to craft such a statute. Congress should closely examine whether the gap in the law caused by the lack of a criminal domestic terrorism statute can be addressed without violating First Amendment speech and association rights.

There is a reason that such a statute has not been created to date. Although the U.S. can designate *foreign* terrorist organizations to enable a broad range of prosecutable offenses, First Amendment-protected speech and association rights (which do not apply to terrorists operating abroad) rightly preclude designating domestic groups. Moreover, the government’s history of targeting minorities and political activists in the name of national security make any politically-oriented, designation approach a non-starter on civil liberties grounds. Indeed, the federal government has had a disturbing history of targeting minorities and political activists or political opponents in the name of national security. Trying to address the threat of white supremacist violence through reforms that overstep or infringe on civil liberties and potentially expand racial profiling or unwarranted, discriminatory surveillance and harassment of marginalized communities would be unacceptable. Any statute Congress would seriously consider should include specific, careful Congressional and civil liberties oversight to ensure the spirit of such protections are faithfully executed. None of the proposed measures introduced to date meet these standards.

In light of the transnational nature of this threat, the State Department should examine whether certain white supremacist groups operating abroad meet the specific criteria to be subject to sanctions under its Designated Foreign Terrorist Organization (FTO) authority. The criteria, set out in 8 U.S.C. § 1189(a)<sup>22</sup> are: (1) the organization must be foreign; (2) the organization must engage in terrorist activity or retain the capability and intent to engage in terrorist activity or terrorism; and (3) the terrorist activity or terrorism of the organization must threaten the security of U.S. nationals or the national security of the U.S.

None of the current 68 organizations on the FTO list is a white supremacist organization.<sup>23</sup> And while the possibility of designating white supremacist organizations under the State Department’s FTO authority holds promise, there are some important considerations that must be taken into account.

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<sup>22</sup> “8 U.S. Code § 1189. Designation of foreign terrorist organizations,” Cornell Law School Legal Information Institute, accessed September 16, 2019; (<https://www.law.cornell.edu/uscode/text/8/1189>)

<sup>23</sup> State Department, “Foreign Terrorist Organizations,” accessed September 16, 2019; (<https://www.state.gov/foreign-terrorist-organizations/>)

First, while several countries have added white supremacist groups to their own designated terrorist lists in recent days – including Canada<sup>24</sup> and England<sup>25</sup> – white supremacist groups do not operate exactly like other FTOs, such as ISIS and al-Qaeda. For example, individual white supremacists that carry out attacks – wherever they are – very rarely receive specific operational instructions from organized white supremacist groups abroad to carry out these attacks. These groups generally do not have training camps in Europe or elsewhere where individuals travel to learn tactics and then return home to carry out an attack. Instead, individuals in the United States are typically motivated to act based on their own white supremacist ideology, which primarily stems from domestic sources of inspiration, but which can sometimes also stem from inspirational sources abroad – including the violent actions of white supremacists – whether that foreign source is associated with an organization or not.

Second, in the United States, unlike in Canada and England, the First Amendment provides unique, broad protection for even the most vile hate speech and propaganda. While clearly criminal conduct would not be protected under the First Amendment, a great deal of non-criminal association, speech, and hateful propaganda would be protected speech. The First Amendment’s assembly and speech protections would not permit designation of white supremacist organizations operating here, but designating *foreign* white supremacist groups could make knowingly providing material support or resources to them a crime – extending authority for law enforcement officials to investigate whether such a crime is being planned or is occurring.<sup>26</sup>

Beyond government, civil society and the private sector also have a critical role to play in addressing this threat. ADL has formed a Community Safety and Security Task Force with the Secure Communities Network to address protecting religious institutions. The Task Force, co-chaired by former Secretaries of Homeland Security Michael Chertoff and Jeh Johnson, will look at how communities can better secure religious institutions. Communities like ours depend on relationships with law enforcement to keep our religious institutions safe, and while we intend to make recommendations for collaboration with the government – as well as for our own methods to better secure our institutions – we need the government to, in kind, have a plan for engaging with community members to secure houses of worship.

For the private sector, much of the radicalization that might once have happened in training camps is instead happening at 24-7 white supremacist online rallies. As private entities, tech companies can regulate content absent First Amendment concerns. Balancing content moderation with the principles of free speech is incredibly important, and over-regulating could

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<sup>24</sup> Harmeet Kaur, “For the first time, Canada adds white supremacists and neo-Nazi groups to its terror organization list,” *CNN*, June 28, 2018, (<https://www.cnn.com/2019/06/27/americas/canada-neo-nazi-terror-organization-list-trnd/index.html>)

<sup>25</sup> Emma Lake, “Terror Crackdown: Which terror groups are banned under UK law and when was National Action added to the list?” *The Sun (UK)*, October 26, 2017 (<https://www.thesun.co.uk/news/4569388/banned-terror-groups-uk-national-action>)

<sup>26</sup> Mary B. McCord, “White Nationalist Killers Are Terrorists. We Should Fight Them Like Terrorists,” *Washington Post*, Aug. 8, 2019, ([https://www.washingtonpost.com/outlook/white-nationalist-killers-are-terrorists-we-should-fight-them-like-terrorists/2019/08/08/3f8b761a-b964-11e9-bad6-609f75bfd97f\\_story.html](https://www.washingtonpost.com/outlook/white-nationalist-killers-are-terrorists-we-should-fight-them-like-terrorists/2019/08/08/3f8b761a-b964-11e9-bad6-609f75bfd97f_story.html))

curtail free speech and even fuel the propaganda of extremist organizations. Companies must find mechanisms to address this threat, including vigilant and up-to-date terms of service that prioritize accountability and reduce their complicity in violent extremism. This hard line-drawing might be done through legislation or through public pressure, and must strike a careful balance, but there need to be creative solutions to mitigate online platforms' role in housing this hate. The government could even help by facilitating technological innovations that could streamline finding hateful content – even if those innovations themselves are content-neutral – and train (or support civil society in training) tech companies to find and analyze white supremacist content.

## **Policy Recommendations**

With these observations in mind, there are key policy priorities that ADL urges you to take on immediately.

- **Use the bully pulpit:** The President, cabinet officials, and Members of Congress must call out bigotry at every opportunity. The right to free speech is a core value, but the promotion of hate should be vehemently rejected. Simply put, you cannot say it enough: America is no place for hate
- **Increase government transparency and expand its understanding of the challenge:** Congress should immediately approve the Domestic Terrorism Documentation and Analysis of Threats in America (DATA) Act (H.R. 3106). Data on extremism and domestic terrorism is being collected by the FBI, but not enough, and the reporting is insufficient and flawed. Data drives policy; we cannot address what we are not measuring. The Domestic Terrorism DATA Act focuses on increasing the coordination, accountability, and transparency of the federal government in collecting and recording data on domestic terrorism.
- **Resource to the threat:** Congress should pass the Domestic Terrorism Prevention Act (DTPA) (S. 894/ H.R. 1931) to enhance the federal government's efforts to prevent domestic terrorism by not only requiring reporting on the threat of white supremacist violence, but also requiring that the government apportion its resources to focus on the threat as reported. The bill also authorizes the offices addressing domestic terrorism, giving Congress offices that they can oversee more directly. It would also provide training and resources to assist non-federal law enforcement in addressing these threats, requiring DOJ, DHS, and the FBI to provide training and resources to assist state, local, and tribal law enforcement in understanding, detecting, deterring, and investigating acts of domestic terrorism.
- **Create a mechanism for systematized public-private information sharing:** Since law enforcement must be more constrained than civil society in collecting information on domestic extremists, and since civil society and the technology sector may be more credible or appropriate actors to counter the threat, there must be a formalized and institutionalized mechanism for information flow on domestic terrorism information. The National Center for Missing and Exploited Children (NCMEC) has set up such a

public-private partnership that has streamlined public-private information flow using a structure set up with government funding but operating independently of the government.

- **Invest in prevention:** Civil society and other actors can help create off-ramps to prevent individuals from taking up violent extremists' cause. Congress can work to prevent violent extremism with an outside grants lens, designed to invest in academic institutions to research what works in prevention, provide funding for law enforcement training on white supremacy and extremism, and for civil society to empower local communities.
- **Support local entities in preventing, addressing, and reporting hate crimes:** Congress should take up and pass the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2019 (NO HATE Act of 2019 S. 2043/ H.R. 3545). This legislation would authorize incentive grants to spark improved local and state hate crime training, prevention, best practices, and data collection initiatives – including grants for state hate crime reporting hotlines to direct individuals to local law enforcement and support services.
- **Prevent known hate crimes perpetrators from accessing firearms:** Congress should immediately take up and pass the Disarm Hate Act (S.1462/H.R.2708) to close the loophole that currently permits the sale of firearms to individuals who have been convicted of threatening a person based on their race, religion, gender, sexual orientation, or disability. The measure would prohibit individuals convicted of a misdemeanor hate crime from obtaining a firearm.
- **Consider the necessity and feasibility of a criminal domestic terrorism statute:** Congress should begin immediate hearings and consultations with legal and policy experts, marginalized communities, and law enforcement professionals on whether a rights-protecting domestic terrorism criminal charge is needed – and whether it is possible to craft such a statute. Congress should closely examine whether the gap in the law caused by the lack of a domestic terrorism statute can be addressed without violating First Amendment speech and association rights.
- **Better enforce existing hate crimes laws and improve training and data collection on hate crimes:** Congress should ensure that the FBI and the Justice Department's Civil Rights Division will enforce relevant federal laws and vigorously investigate and prosecute hate crimes. The Department of Justice should incentivize and encourage state and local law enforcement agencies to more comprehensively collect and report hate crimes data to the FBI, with special attention devoted to large underreporting law enforcement agencies that either have not participated in the FBI Hate Crime Statistics Act program at all or have affirmatively and not credibly reported zero hate crimes. More comprehensive, complete hate crime reporting can deter hate violence and advance police-community relations.

- **Consider whether and how it might be appropriate to designate overseas white supremacist groups as FTOs:** The State Department should examine whether certain white supremacist groups operating abroad meet the specific criteria to be subject to sanctions under its Designated Foreign Terrorist Organization (FTO) authority. The criteria, set out in 8 U.S.C. § 1189(a)[1] are: (1) the organization must be foreign; (2) the organization must engage in terrorist activity or retain the capability and intent to engage in terrorist activity or terrorism; and (3) the terrorist activity or terrorism of the organization must threaten the security of U.S. nationals or the national security of the U.S. It is possible that a white supremacist terrorist group might meet these criteria, and the State Department should determine whether the evidence is there to do so.
  
- **Address Online Hate and Harassment:** Congress has an important role to play in addressing online hate and harassment.
  - Strengthen laws against perpetrators of online hate  
Hate and harassment translate from real-world to online spaces, including in social media and games, but our laws have not kept up. Many forms of severe online misconduct are not consistently covered by cybercrime, harassment, stalking and hate crime law. Congress has an opportunity to lead the fight against cyberhate by increasing protections for targets as well as penalties for perpetrators of online misconduct. Some actions Congress can take include revising Federal law to allow for penalty enhancements based on cyber-related conduct; updating federal stalking and harassment statutes' intent requirement to account for online behavior; and legislating specifically on cybercrimes such as doxing, swatting, non-consensual pornography, and deepfakes.
  
  - Urge social media platforms to institute robust governance  
Government officials have an important role to play in encouraging social media platforms to institute robust and verifiable industry-wide self-governance. This could take many forms, including Congressional oversight or passing laws that require certain levels of transparency and auditing. The internet plays a vital role in allowing for innovation and democratizing trends, and that should be preserved. At the same time the ability to use it for hateful and severely harmful conduct needs to be effectively addressed.
  
  - Improve training of law enforcement  
Law enforcement is a key responder to online hate, especially in cases when users feel they are in imminent danger. Increasing resources and training for these departments is critical to ensure they can effectively investigate and prosecute cyber cases and that targets know they will be supported if they contact law enforcement.
  
- **Urge technology companies to recognize their role in being part of the solution:** Every social media and online gaming platform must have clear terms of service that address hateful content and harassing behavior, and clearly defined consequences for violations. These policies should state that the platform will not tolerate hateful content

or behavior based on protected characteristics. They should prohibit abusive tactics such as harassment, doxing and swatting. Platforms should also note what the process of appeal is for users who feel their content was flagged as hateful or abusive in error. Companies should be open and transparent – in a third party-verified manner – on how they address these issues on their platforms.

## **Conclusion**

Thank you for the opportunity to testify and for calling a hearing on this topic. ADL data clearly and decisively illustrates that hate is rising across America and domestic terrorism will continue to be a grave threat to our communities. The gaps in our government's ability to counter this threat are staggering and must be filled immediately. Everyone who has a bully pulpit must speak out against such hate. We also must also look at our education systems, at our law enforcement capacity and training, and at our laws to ensure we address today's threats holistically. On behalf of the ADL, we look forward to working with you as you continue to devote your urgent attention to the issue.