



September 29, 2021

The Honorable Jamie Raskin
Chair
Oversight and Reform Subcommittee on Civil Rights and Civil Liberties
U.S. House of Representatives
Washington, DC 20515

The Honorable Nancy Mace
Ranking Member
Oversight and Reform Subcommittee on Civil Rights and Civil Liberties
U.S. House of Representatives
Washington, DC 20515

Dear Chair Raskin and Ranking Member Mace:

On behalf of the Southern Poverty Law Center (SPLC), we write to provide policy recommendation to the House Committee on Oversight and Reform Subcommittee on Civil Rights and Civil Liberties for your hearings today on “Confronting Violent White Supremacy (Part VI): Examining the Biden Administration’s Counterterrorism Strategy,” based on years of experience studying extremist groups. We would ask that this statement be included as part of the official hearing record.

The SPLC is the premier U.S. non-profit organization monitoring the activities of domestic hate groups and other extremists – including the Ku Klux Klan, the neo-Nazi movement, neo-Confederates, racist skinheads, anti-racist skinheads, antigovernment militias, Christian Identity adherents, and others. We currently track more than 1,600 extremist groups operating across the country. We publish investigative reports, train law enforcement officers, share key intelligence, and offer expert analysis to the media and public. SPLC employs a three-pronged strategy: litigation, public education, and policy advocacy. The organization works in the courts to win systemic reforms on behalf of victims of bigotry and discrimination. Through “Learning for Justice” the organization provides free resources to caregivers and educators to help advance human rights and inclusive democracy. And the Intelligence Project is internationally known for tracking and exposing the activities of hate groups and other domestic extremists for 50 years.

Separately, the SPLC Action Fund promotes policies and laws that will eliminate the structural racism and inequalities that fuel oppression of people of color, immigrants, young people, women, low-income people, and the LGBTQ+ community. The Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. We work primarily in the Southeast United States where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C.

We appreciate the opportunity to share our expertise as you review the administration’s strategy to combat domestic terrorism. We also appreciate your attention to how the administration plans to appropriately balance the need to safeguard civil rights and civil

liberties with the people's need to address the rise of dangerous and violent white supremacists and other forms of violent extremism threatening democratic government.

At the Subcommittee's previous hearings, in May 2021, we shared our concerns about the antidemocratic events of January 6th and the continued threat of militias and other antigovernment extremists and organizations, all of which are united in their belief that the government is tyrannical and illegitimate.¹ Our May statement included an overview of paramilitary group activity which had occurred domestically in the preceding year, including violence and intimidation. We specifically shared our concerns about the continued threat the Oath Keepers organization and constitutional sheriffs' movement posed to the U.S. government and communities across the country.

In the months following the January 6th deadly assault, we reflected that it was a failure of the U.S. political leadership and U.S. intelligence communities not to have heeded the dire warnings from civil society organizations, which were supported by documented research, about the threats posed by organizations and individuals involved in the growing antigovernment movement, which in many cases had connections to the Trump administration. That failure set the stage for the events of January 6th.

Now, nine months after the January 6th assault, we continue to assert that militias and paramilitaries groups remain a threat to the U.S. because they are: heavily armed, highly trained, mobilized, and propelled by conspiracy theories and a deep animus toward the government. They are a threat to democracy and the democratic institutions that uphold the rights enshrined in the U.S. Constitution. They also pose a clear threat to the inalienable rights and civil liberties of fellow citizens and people who are targeted by antigovernment extremists.

Yet, alarmingly, this extremism has not been disavowed by many political leaders, even those who had their lives threatened that day.

In the four months since the May hearing, the antigovernment militia movement, including constitutional sheriffs and organizations like Oath Keepers, have been impacted by the attention of law enforcement, media, civil society, and Congress. Some individuals and organizations have also experienced pressure from the private sector (belatedly), including de-platforming in online spaces. As a result, some extremists have shifted their organizational tactics. Our research indicates that the far right is organizing in a more diffuse fashion, eschewing formally organized groups in favor of online spaces with fluid boundaries between different groups and ideologies. There remains a risk that individual actors, inspired by extremist propaganda, could carry out acts of mass violence in an effort to further far-right causes.

At the same time our researchers are seeing an increase in threats to local government entities like schools and health boards after witnessing an insurrection attempt at the Nation's Capitol and being bombarded by disinformation that seeks to normalize these actions and glorify the insurrection.

¹ Statement of SPLC Action Fund, House Oversight Subcommittee on Civil Rights and Civil Liberties, "Confronting Violent White Supremacy (Part V): Examining the Rise of Militia Extremism," May 26, 2021 <https://www.splcactionfund.org/sites/default/files/final%20SPLC%20Action%20Fund%20statement%20House%20Oversight%20Civil%20Rights%20and%20Civil%20Liberties%20Rise%20of%20Militia%20Extremism.pdf>

In most cases, local government entities are ill equipped to handle these threats to their safety and basic functioning of their democratic institutions. In addition, many government entities, especially at the local level, continue to be purely responsive, and lack the capacity or resources to create a proactive plan to protect public officials and democratic institutions from future extremist violence. The antigovernment militias continue to use intimidation, harassment, and violence to disrupt the democratic process at the local level. Extremists are also using these political flashpoints to build a larger coalition, uniting people organizing to oppose COVID safety measures and inclusive education over a shared desire to upend the political order.

The Subcommittee need look no further than the lack of real consequences and accountability for the April 2020 attack on the Michigan statehouse, which certainly had an impact in emboldening participants later that fall in their plot to kidnap and harm Governor Whitmer. This example is the paradigmatic risk which must be avoided in towns, cities, and states across the U.S. The Federal government must create an interagency and cross jurisdictional plan to support democracy protection at the local level, in addition to federal efforts. Success will rely on consistency across agencies and all levels of government.

The prosecutions of those charged with crimes for their actions on January 6th, as well as the trials of those facing criminal and civil cases involving participants in the 2017 deadly white supremacist rally and riots in Charlottesville, have had a deterrent effect on the organizing capabilities of some individuals and groups in extremist movements. There are some indications, however, that, while the most militant members of the antigovernment movement have not been deterred, we hope it is a cautionary lesson to auxiliary supporters. Since the January 6th attack, the public announcements of focused intelligence gathering and law enforcement awareness of planned antigovernment militia and extremist events has also had a dampening effect – and even produced claims amongst anti-democracy loyalists of ‘false flag’ events.

Punishment and deterrence are not enough for a lasting impact. A focus on prevention and culture shift is imperative to address the ideological nature of this threat. Disinformation and conspiracy theories are galvanizing attacks on democracy and government. Many groups sharing conspiracy theories with potential supporters are using them as recruitment and organizing tools, offering simple answers to complex questions relating to government policy.

These theories currently include false beliefs about an alleged deep state within the U.S. government that participates in crimes including sex trafficking of children and another involving the alleged role of the government in creating the Covid pandemic and instituting safety regulations and vaccines with the intent of controlling certain populations. Some true believers act on these beliefs in genuine concern and believe they are in fact saving the country rather than threatening democracy.

To combat the insidious nature of disinformation, conspiratorial thinking, and ideologically motivated violence, the Administration will need robust strategic long-term partnerships with civil society and private sector cultural influencers focused on prevention.

As outlined in more detail in our May hearings statement for the Subcommittee, the Southern Poverty Law Center continues to support a range of policy actions to address this ongoing threat:

- We encourage Members of Congress and the Administration to speak out firmly against hate and extremism.

- We urge federal and state officials to continue their investigations and prosecutions of the activities of violent militias, other extremist groups, and individuals involved in the January 6 deadly attack on the U.S. Capitol. These efforts are having a deterrent effect.
- We support the enforcement of current federal and state laws regarding militia activity, including at the U.S. Southern border.
- Along with virtually every other national civil rights organization in the United States,² we oppose legislation that would create a new criminal domestic terrorism statute.
- We support the Domestic Terrorism Prevention Act (S. 964/ H.R. 350), legislation which would establish offices within the Department of Homeland Security (DHS), the Department of Justice, and the FBI to monitor, investigate, and prosecute cases of domestic terrorism – and require these offices to regularly report to Congress.
- We believe one important way to counter far-right extremism is to demilitarize the police by eliminating funding for the 1033 Program.³
- We support further restrictions on access to firearms by anti-democracy actors.
- We support very significant additional efforts to improve federal hate crime data collection, training, and prevention. We appreciate the fact that the FBI has announced that hate crime and civil rights violations have been elevated to its highest-level national threat priority and urge that more attention and more funding be provided to community-centered hate crime prevention initiatives.
- In detailed testimony before the Subcommittee on National Security, International Development and Monetary Policy of the House Financial Services Committee last February,⁴ SPLC outlined how white nationalists and far-right extremists are exploiting internet technology to create a broader, more decentralized, and more dangerous movement, how this movement finances itself online and in the physical world, and what steps must be taken to confront this threat.
- In extensive testimony before the House Armed Services Committee last March,⁵ SPLC provided detailed background on white supremacist and other far-right extremist violence in the U.S. armed forces, along with a series of policy recommendations. Evidence-informed trainings should be developed, designed to inoculate against radicalization at entry, throughout one’s military career, and for reentry into civilian life. Though the number of extremists associated with the Armed Forces who engage in hate crimes and criminal extremist activity is relatively small, their capabilities and specialized weapons training make them prime targets for extremist propaganda and recruitment.
- While a full analysis of the White House *Strategy for Countering Domestic Terrorism*⁶ is beyond the scope of this statement, we appreciate that the document elevates

² http://civilrightsdocs.info/pdf/policy/letters/2020/No_Domestic_Terrorism_Charge_1_21_2021.pdf

³ Cassie Miller, SPLC *Hatchwatch*, *One Way to Counter the Far Right? Demilitarize the Police*, August 17, 2020 <https://www.splcenter.org/hatewatch/2020/08/17/one-way-counter-far-right-demilitarize-police>

⁴ Testimony of Lecia Brooks, Chief of Staff, Southern Poverty Law Center, Subcommittee on National Security, International Development and Monetary Policy Committee on Financial Services, United States House of Representatives “Dollars against Democracy: Domestic Terrorist Financing in the Aftermath of Insurrection” February 25, 2021, https://www.splcenter.org/sites/default/files/splc_statement_for_house_financial_services_subcommittee_hearings_on_domestic_terrorism_financing.pdf

⁵ Testimony of Lecia Brooks Chief of Staff, Southern Poverty Law Center, Armed Services Committee, United States House of Representatives. “Extremism in the Armed Forces,” March 24, 2021 https://www.splcenter.org/sites/default/files/splc_testimony_house_armed_services_committee_hearings_on_extremism_in_the_armed_forces59.pdf

⁶ White House Strategy for Countering Domestic Terrorism, <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>, June 15, 2021.

upstream prevention (“Confront Long-Term Contributors to Domestic Terrorism”) by making it one of the four strategic pillars included.

- Indeed, we urge Congress and the Biden Administration to focus first and foremost on prevention, and certainly not to ignore the ideologically motivated violence that occurs amongst antigovernment militia adherents. We support funding: prevention initiatives to steer individuals away from hate and extremism,⁷ efforts that identify and promote best practices to build community-based prevention, and programs that promote democracy-building, anti-racist, and civics education.

While pursuing these efforts, the Southern Poverty Law Center believes that the United States government, at every level, must ensure that civil and human rights are protected and respected in all interactions of the U.S. government’s intelligence agencies with the public. It has long been our belief that consideration of civil liberties in the actions of U.S. intelligence agencies is not equally applied to all citizens and organizations. While antigovernment extremists are actively infringing on the rights of other Americans, the U.S. government has a history of delaying or avoiding investigating and prosecuting these individuals and groups until violence has taken place. Meanwhile, crack downs on civil rights activists repeatedly take place without concern for their civil liberties. This bias must stop.

The attention this committee has devoted to this important issue is exactly the kind of step that can bring greater balance. It is vital we understand this grave threat to our nation and take steps necessary to prevent future violence. The SPLC will be closely monitoring whether the administration’s plan includes prevention measures, cross agency collaboration, strategic civil society partnerships, and efforts across all levels of government. We also appreciate the essential oversight role the Congress must play.

The Southern Poverty Law Center is a willing partner in this essential work. Thank you for holding this important hearing and for your continued leadership. We look forward to working with you as you continue to focus your urgent attention to this important issue.

Sincerely,

Susan Corke

Susan Corke
Intelligence Project Director

Rachel Carroll Rivas

Rachel Carroll Rivas
Senior Research Analyst, Intelligence Project

⁷ SPLC and American University Polarization and Extremism Research and Innovation Lab (PERIL), *A Parents & Caregivers Guide to Online Youth Radicalization*, <https://www.splcenter.org/peril>