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Southern Poverty Law Center | SPLC Action Fund
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Hate and Extremism in Law Enforcement

Via Email ohchr-emler@un.org

International Independent Expert Mechanism
to Advance Racial Justice and Equality in Law Enforcement
(EMLER)
United Nations
Palais des Nations
CH-1211 Geneva 10
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Following our previous submissions regarding forced prison labor and youth detention at the Louisiana State Penitentiary at Angola, I write to separately provide the Southern Poverty Law Center's input on the presence of hate and extremist ideologies in U.S. law enforcement.

The SPLC was founded in 1971. Since that time, one of the SPLC's primary missions has been to stamp out racism, hate and extremism to create a more fair, inclusive, and unified nation. The SPLC has deep expertise regarding the ideologies and activities of hate and extremist groups, and our Hate Watch and Intelligence Project divisions conduct the most comprehensive and up-to-date tracking and monitoring of these groups in the U.S. It is in the context of our extensive work on hate and extremism that we offer the following input on the troubling prevalence of members of white supremacist and other extremist organizations in, and in close association with, US law enforcement entities. Links to more detailed information are also provided.

Infiltration of law enforcement agencies, as well as the military, by members of such groups is a substantial and growing problem, and one that has received insufficient attention from the government. As SPLC's Michael Hayden [told Al Jazeera](#) last year:

“The infiltration of the military and police [by the far-right] is a pretty big deal. Look at the number of military people [arrested] on January 6. Military and police have been very far behind on how far this radicalisation has gone.”

This problem is not a new one. The U.S. Federal Bureau of Investigation explained to its House of Representatives Oversight Committee in 2006 that [white supremacist infiltration of law enforcement](#) was a significant threat. That threat has only grown since then.

Extremist Presence in State and Local Law Enforcement.

Earlier this year, the SPLC [wrote](#) to the mayor and chief of police in Chicago, Illinois, a city whose population is 29% Black and 28% Latino, to protest the police department’s failure to terminate the employment of an officer tied to the [Proud Boys](#), an SPLC-designated hate group that is one of the most active and violent such groups in the U.S. The officer was not only an active participant in the Proud Boys’ extremist activities but also lied about his participation yet was given only a 120-day suspension. One explanation given for not firing the officer over his documented Proud Boys involvement was that the Federal Bureau of Investigation has not expressly designated the Proud Boys as a hate group. However, though the FBI has investigated the members of group as domestic terrorists, the United States does not have a designated domestic terrorist list. The State Department does maintain a list of designated *foreign* terrorist organizations.

[Testimony](#) before a House Oversight Committee in July 2020 detailed numerous instances of white supremacist affiliation and overt conduct in police departments around the country. A recent [investigative report](#) revealed that members of the [Oathkeepers](#), a far-right paramilitary organization, are active-duty police officers in many major metropolitan police departments. As SPLC has reported, Oathkeepers primarily recruit their members from the ranks of former military and law enforcement members, and engage in vigilantism, forming patrols and security squads around demonstrations and outbreaks of racial unrest. Some far-right organizations, including the [Constitutional Sheriffs and Peace Officers Association](#) and the [Protect America Now](#) organization, are pro-militia, antigovernment membership organizations created expressly for law enforcement officers and current or former military soldiers. As detailed in the SPLC Action Fund’s [May 2021 statement](#) to the House Homeland Security Subcommittee on Civil Rights and Civil Liberties, members of these groups sometime take the law into their own hands, either through improper policing or by refusing to enforce laws they deem unconstitutional. Some have formed “citizen posses” or have threatened to deputize local gun owners.

The crisis of disparate police violence against Black, Brown and Indigenous people in the US is well-known. That violence is accelerated and made more lethal by the militarization of US police forces. Since its 1996 adoption, a U.S. federal program has transferred [more than \\$7 billion in surplus military equipment](#) to law enforcement agencies across the nation. This military equipment, including grenades, bayonets, fortified vehicles and weaponized drones, has been used to devastating effect against protestors on many occasions.

As [SPLC has explained](#), the militarization of U.S. police forces also provides further incitement to extremists. A common thread among many extremist movements is the belief that “a civil war or race war is imminent – even necessary – to achieve their political vision” and because they fear the government plans to take away their guns and impose a tyrannical government. “With militarized troops violently suppressing protests across the country, extremists now have abundant evidence of state-sponsored violence to prop up their conspiracy theories.” Extremists celebrate the violent use of force against demonstrators and hope the violence will escalate.

The unaddressed presence of white extremists in law enforcement ranks inevitably contributes to violence against people of color including, increasingly, LGBTQ persons. A law enforcement culture that allows people who belong to extremist organizations to hold positions as police officers and officials leads not only to the over-policing of Black, Brown, and Indigenous people and of anti-racist organizations such as Black Lives Matter, but also to departments turning a blind eye to the activities of extremist groups. For example, during the Trump administration, the Proud Boys hosted rallies around the country that often descended into violent riots. With a handful of exceptions, they faced little interference from law enforcement, giving the impression that they had the tacit approval of police.

In December 2021, SPLC’s Hatewatch [reported](#) on its analysis of Washington DC Metropolitan Police Department (MPD) documents that revealed the department had closely surveilled Black-led and anti-racist groups for many years, while virtually ignoring a growing threat from far-right extremists. In some instances, the department even used claims made in right-wing media outlets as the basis for opening investigations into anti-racist groups. Consistent with this pattern was the relatively muted police response to the far-right attack on the U.S. capitol, compared with the outsized and at times violent law enforcement response to anti-racism protests in Washington, DC during the preceding year, as illustrated in a 2021 [CNN report](#). A [recent SPLC Hatewatch article](#) described the relationship between the leader of the Proud Boys and a lieutenant from the MPD’s Intelligence Bureau before the January 6 attack on the U.S. Capitol, as revealed by a cache of 26,000 leaked emails.

State and local law enforcement agencies are well aware of extremists within their ranks, but few have undertaken meaningful measures to address it. In 2019, an investigative report identified law enforcement officers in agencies across the country who belonged to closed Facebook groups of a racist, Islamophobic, misogynistic, or antigovernment militia nature. [“More than 50 departments promised investigations,”](#) but few concrete steps were taken. According to the [Anti-Defamation League](#), one-third of police officers it identified as being associated with an extremist group were involved in white supremacist groups. ADL further reported that 40% of the officers it identified were allowed to remain on active duty with their departments, and several of those who were dismissed for extremist links were hired by another police department. Even in states where legislators have been inclined to propose laws to give police departments more authority to remove extremists, [police officer organizations have pushed back hard](#).

State and local police departments also continue to demonstrate substantial resistance to the most modest federal government oversight. Across the nation, many law enforcement agencies resist

federal efforts to even collect complete and accurate data on violent hate crimes and on the use of force by officers. The Federal Bureau of Investigation has published annual reports documenting hate crimes reported by the more than 18,000 federal, state, local and tribal police agencies across the US under the Hate Crime Statistics Act (HCSA) since 1991. The reports provide data on hate crimes based on race/ethnicity, religion, sexual orientation, disability, gender, and gender identity, aggregated by states, cities, counties, and colleges and universities. Unfortunately, reporting is voluntary, and many law enforcement agencies do not provide the needed information. Though HCSA reporting over the past thirty years has always been incomplete – about 70 cities over 100,000 in population affirmative reported zero (0) hate crimes, or did not report any data to the FBI in 2020 – the 2021 HCSA report was even more dramatically incomplete, covering 90 million fewer Americans than the 2020 HCSA report.

Extremist Presence in the Military.

In March and October 2021, SPLC submitted Congressional [testimony](#), and the SPLC Action Fund made a [statement for the record](#) to Congress, providing detailed analysis of the impact of white supremacy and other forms of extremism in the US military. The continuing infiltration of the US military by white supremacists and other extremists is highly relevant in the context of law enforcement-related violence because state governments can, and sometimes do, call for National Guard assistance with law enforcement activities, particularly in the context of events like anti-racism demonstrations. Thousands of National Guard members were [deployed to Washington DC](#) and [across the country](#) for Black Lives Matter protests in June 2020. The ordered [“crackdown” on protestors](#) was so excessive that it resulted in an internal investigation. Similar deployments to anti-racist demonstrations happened [across the country](#) in anticipation of the verdict in the trial of Derek Chauvin, George Floyd’s killer.

Recent U.S. Federal Government Efforts.

The U.S. federal government has announced several welcome, but incomplete, initiatives aimed at addressing the presence of hate and extremism in law enforcement and the military since President Biden took office.

- Following the arrests of several military veterans and at least one active duty service member for their roles in the 6 January violence at the U.S. Capitol, the Secretary of Defense ordered a one day “stand down” across military branches to address extremism within their ranks, and the Pentagon undertook a review of the issue. A new Senior Advisor position to provide oversight on the issue of extremism in the military, reporting to the Secretary of Defense was established; this position was eliminated a year later, which is cause for concern. The Pentagon later [produced a report](#) and [published new regulations](#) intended to help prevent extremist activities by active-duty military personnel. The Department of Defense revised its [Instruction 1325.06](#), on Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces to prohibit military personnel from active participation in extremist activities, as defined in the Instruction. The Instruction includes a clear rationale for this prohibition:

“such active participation undermines morale and reduces combat readiness. Second, it calls into question the individual’s ability to follow orders from, or effectively lead and serve with, persons of diverse backgrounds, preventing maximum utilization and development of the Department’s most valuable asset: its people. Finally, such behavior damages the Nation’s trust and confidence in the Department as an institution and the military as a professional fighting force.”

However, the new rules [don’t prohibit membership](#) in white supremacist or other extremist organizations, just “active participation” in their activities. The rules also fail to address racially disparate treatment of service members in the military justice system and contain no explicit definitions or prohibitions of hate crimes, hindering investigations into such crimes.

- In June 2021, the Biden administration published its [National Strategy for Countering Domestic Terrorism](#). The document focuses on racial and ethnic hatred as substantial underlying causes of domestic extremism and broadly outlines approaches to addressing the threat of domestic terrorism – including fine focus on the need to develop and fund long-term anti-racism initiatives – but gives insufficient attention to the significant threat posed by infiltration of law enforcement agencies. One of its stated goals is to improve vetting and screening processes to better scrutinize backgrounds for potential ties to or tendencies toward domestic terrorism.

- In May 2022, President Biden issued his [Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety](#), which, importantly, requires that the Office of Personnel Management:

“develop best practices for conducting background investigations and implementing properly validated selection procedures, including vetting mechanisms and ongoing employment screening, that, consistent with the First Amendment and all applicable laws, help avoid the hiring and retention of law enforcement officers who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability.”

This new mandate will cover all federal law enforcement officials.

- Also in May 2022, the House of Representatives passed [H.R. 350](#), the Domestic Terrorism Prevention Act. If adopted, the bill would have required that anti-terrorism training and resources provided to federal, state, local, and tribal law enforcement agencies include assistance to such agencies in identifying, investigating and deterring white supremacist and neo-Nazi infiltration of law enforcement and corrections agencies. It would also have established an interagency task force to analyze and combat such infiltration in federal law enforcement and military agencies, and to produce an annual report providing an assessment of the threat posed by such infiltration. Unfortunately,

Republicans in the Senate blocked passage of the bill, and have opposed providing any funding to federal agencies to address white supremacy and other extremism, contending it is unnecessary.

We hope that this information will help to inform your upcoming country visit and discussions with government officials and other stakeholders in the U.S. The latest edition of SPLC's Year In Hate and Extremism, covering 2022, will be released in March. We would be pleased to offer a briefing by our experts to your office, either in person during the country visit, or virtually at another convenient time.

Please do not hesitate to let me know if we can provide anything else to assist you.

With Best Regards,

A handwritten signature in dark ink, appearing to read "Lisa Borden". The signature is fluid and cursive, with a large initial "L" and "B".

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