

Testimony of J. Richard Cohen
President, Southern Poverty Law Center
before the
Committee on Homeland Security
United States House of Representatives

World Wide Threats: Keeping America Safe in the New Age of Terror
November 30, 2017

My name is Richard Cohen. I am an attorney and the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971. For more than three decades, my colleagues and I have been monitoring, issuing reports about, and training law enforcement officials on far-right extremist activity in the United States. I have litigated numerous cases against hate groups and their leaders and am currently representing the mother of Heather Heyer, the young woman who was killed in Charlottesville, Virginia, on August 12, 2017. I have served on the Department of Homeland Security’s Countering Violent Extremism Working Group, am a past recipient of the FBI Director’s Community Leadership Award, and have testified before many congressional committees, including this one on July 15, 2015, on issues relating to domestic terrorism. I am honored to appear before you today.

My testimony will focus on the threat of domestic terrorism – more specifically, the threat of terrorism from white supremacist groups and their adherents. In doing so, I do not mean to minimize other threats our country faces, including those associated with extremist forms of Islam or those directed at law enforcement officers.

Congress Has Recently Recognized the Growing White Supremacist Threat and Has Called on the President to Act

When I testified before this Committee at its hearing on “The Rise of Radicalization: Is the Government Failing to Counter International and Domestic Terrorism” in July 2015, I emphasized two points: first, that the threat of radical-right terrorism in our country is a serious one; and second, that there had been a bipartisan failure to devote sufficient resources to address that threat in the aftermath of the tragic events of September 11, 2001. In the joint resolution passed unanimously in September after the unprecedented events in Charlottesville, Congress

- acknowledged the “growing prevalence” of “hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy”;
- urged the President and his administration to “use all available resources” to address the threats from such groups; and
- called on the Attorney General and other federal agencies to vigorously prosecute criminal acts by white supremacists and to improve the collection and reporting of hate crimes.¹

¹ S.J. Res 49, 115th Cong. (2017) (enacted).

On September 14, the President signed the joint resolution. Now, the questions are what will the President and his administration do to fulfill the commitments the President made by signing the resolution and, just as importantly, what will Congress do to ensure that the President and his administration live up to those commitments and have the necessary resources to do so. Before turning to these questions, however, it will be useful to describe the nature of the threat of white supremacist violence that the country is facing and the bipartisan failure in recent years to devote more attention to it.

The White Supremacist Movement, a Domestic Terror Threat Since Reconstruction, Has Been Energized by President Trump’s Campaign Rhetoric

Although the threat of terrorism from extremist forms of Islam may be the most acute one the country currently faces, the threat from white supremacists is undoubtedly the most persistent one in our country’s history. Indeed, since the founding of the Ku Klux Klan in the immediate aftermath of the Civil War, our country has faced terrorism – including thousands of lynchings – from those determined to preserve white hegemony. Those who marched in Charlottesville this summer chanting “You will not replace us” and “Jews will not replace us” were motivated by the same goal. Even if some of the new energy in the white supremacist movement were to dissipate in a few years, the threat of white supremacist violence is likely to be with us for many years to come.

Since the start of 2001, the death toll in our country from terrorism associated with extremist forms of Islam has been far higher than that from far-right extremism; however, the number of homicidal incidents actually has been greater from the latter source. In a 2016 study, the National Consortium for the Study of Terrorism and Responses to Terrorism (START) found that between 1990 and 2014, far-right domestic extremists were responsible for four times as many ideologically based homicidal incidents as extremists associated with al Qaeda and related movements.² During the 2005-2014 period, the ratio was 3-to-1.

This past February, START reported that, from 1990 to 2016, if the two deadliest terrorist incidents – the Oklahoma City bombing and the 9/11 attacks – are removed from the count, far-right extremists have killed more than twice as many people in the United States as have Islamist extremists (272 versus 130). Using the same criteria, START found that far-right extremists killed 57 law enforcement officers during the same approximate period, compared to seven killed by Islamist extremists.³ A General Accountability Office study released in April reached similar conclusions.⁴

² *Twenty-Five Years of Ideological Homicide Victimization in the United States of America*, Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security, March 2016, at http://www.start.umd.edu/pubs/START_ECDB_ECDB_25YearsofIdeologicalHomicideVictimizationUS_March2016.pdf.

³ Parkin, William S., and Jeff Gruenewald, Brent Klein, Joshua D. Freilich, Steven Chermak. 2017. “Islamist and Far-Right Homicides: Infographic,” National Consortium for the Study of Terrorism and Responses to Terrorism, at http://www.start.umd.edu/pubs/START_ECDB_IslamistFarRightHomicidesUS_Infographic_Feb2017.pdf.

⁴ *Countering Violent Extremism: Actions Needed to Define Strategy and Assess Progress of Federal Efforts*, Government Accountability Office, April 2017, at <http://www.gao.gov/assets/690/683984.pdf>

Since the turn of the century, we have documented an increase in the number of hate groups – the majority of which have white supremacist beliefs or leanings.⁵ In our view, the most important factor driving the increase has been a backlash to our country’s changing demographics. For many on the radical right, President Obama – our nation’s first president of color – represented the kind of “change” they feared.⁶ The day after President Obama was first elected, for example, Stormfront – a popular neo-Nazi web forum whose members have been responsible for many deadly attacks⁷ – reported that it was getting six times its normal traffic. “There are a lot of angry White people out there looking for answers,” added the Stormfront publisher, a former Klansman.⁸

During the last two years – a period that coincided with the presidential campaign – we documented a surge in the number of hate groups.⁹ The growth in the number of hardline anti-Muslim groups last year was particularly dramatic, a near-tripling.¹⁰ At the same time, hate crimes targeting Muslims have doubled over the last two years, according to the FBI.¹¹ As former President George W. Bush noted during a speech last month, “bigotry seems emboldened.”¹²

Although the growth in hate groups began before President Obama took office, his election did coincide with another phenomenon: the dramatic resurgence of a far-right, antigovernment movement that has been responsible for numerous terrorist attacks and plots. Many of the beliefs prevalent in this movement are rooted in the racist, anti-Semitic ideology that animated the *Posse Comitatus* (Latin for “power of the county”) in the 1970s. Oklahoma City bomber Timothy McVeigh, for example, held both white supremacist and radical, antigovernment beliefs. For a number of reasons, including law enforcement crackdowns, the movement declined significantly after the 1995 Oklahoma City bombing, only to re-emerge during the Obama administration. Although the number of groups has once again fallen, the movement remains a threat. On the same day that Heather Heyer was killed in Charlottesville, the FBI arrested a man in Oklahoma City who was attempting to detonate what he believed to be a 1,000-pound truck bomb outside a bank

⁵ The SPLC identified 917 hate groups in 2016, up from the 457 groups documented in 1999. Out of those in 2016, 471 groups subscribed to white supremacist ideologies. Mark Potok, “The Year in Hate and Extremism,” *Intelligence Report*, Spring 2017, at [splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extremism](https://www.splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extremism); “Active Hate Groups,” *Intelligence Report*, Spring 2017, at [splcenter.org/fighting-hate/intelligence-report/2017/active-hate-groups-2016](https://www.splcenter.org/fighting-hate/intelligence-report/2017/active-hate-groups-2016).

⁶ In addition to the growth in hate groups, President Obama’s election coincided with the resurgence of a far-right antigovernment movement that produced numerous acts and plots of domestic terrorism targeting federal officials and facilities in the 1990s. In 1996, we counted 858 conspiracy-minded antigovernment groups; in 2008, 149. But by 2012, we counted 1,360 such groups, an increase of more than 800 percent.

⁷ Heidi Beirich, *White Homicide Worldwide*, Southern Poverty Law Center, March 2014, at <https://www.splcenter.org/20140401/white-homicide-worldwide>.

⁸ Stormfront website, at <https://www.stormfront.org/forum/t521647/>.

⁹ “Hate Groups Increase for Second Consecutive Year as Trump Electrifies Radical Right,” Southern Poverty Law Center, Feb. 15, 2017, <https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right>.

¹⁰ Mark Potok, “The Year in Hate and Extremism,” *Intelligence Report*, Southern Poverty Law Center, Feb. 15, 2017, at <https://www.splcenter.org/fighting-hate/intelligence-report/2017/year-hate-and-extremism>;

¹¹ “2015 Hate Crime Statistics,” FBI, at https://ucr.fbi.gov/hate-crime/2015/topic-pages/incidentsandoffenses_final.pdf;
“2016 Hate Crime Statistics,” FBI, at <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>.

¹² Rebecca Savransky, “George W. Bush: ‘Bigotry seems emboldened in U.S.’” *The Hill*, Oct. 19, 2017, at <http://thehill.com/homenews/news/356212-george-w-bush-bigotry-seems-emboldened-in-us>

building.¹³ The suspect reportedly was attempting to replicate McVeigh’s bombing of the Alfred P. Murrah Federal Building.¹⁴

President Trump’s campaign energized the white supremacist movement – “unearthed some demons,” to borrow Representative Mark Sanford’s words.¹⁵ Although white supremacists typically eschew the political process, seeing both parties as irredeemably corrupt, they took the unusual step of rallying around Mr. Trump’s candidacy and celebrating his victory. On his radio show in February 2016, for example, former Klan chief David Duke told his listeners that “voting against Donald Trump ... is really treason to your heritage.”¹⁶ On election night, he tweeted that “our people played a HUGE role in electing Trump!”¹⁷ During a gathering of white nationalists just blocks from the White House shortly after the election, white nationalist leader Richard Spencer – who later played a prominent role in the Charlottesville demonstrations – prompted Sieg Heils from audience members after quoting Nazi propaganda in German. He responded by shouting, “Hail Trump! Hail our people! Hail victory!”¹⁸

In the 10 days following the election, we documented nearly 900 bias-related acts of harassment, intimidation, and violence.¹⁹ Many of the perpetrators invoked the president-elect’s name or his slogans. *Cf. supra* note 15 (quoting Rep. Sanford) (“I’ve talked to a number of people about it back home. They say, ‘Well, look, if the president can say whatever, why can’t I say whatever?’ He’s given them license.”). During the Charlottesville demonstrations, David Duke stated, “We are determined to take our country back. We are going to fulfill the promises of Donald Trump.”²⁰

The violence in Charlottesville was not, by any means, the only example of deadly white supremacist violence this year.²¹ Over the Memorial Day weekend, for example, a white supremacist stabbed two men to death on a Portland, Oregon, train after the men attempted to help

¹³ “Man Arrested for Trying to Detonate What He Thought was a Vehicle Bomb at Downtown Oklahoma City Bank,” Department of Justice press release, Aug. 14, 2017, at <https://www.justice.gov/usao-wdok/pr/man-arrested-trying-detonate-what-he-thought-was-vehicle-bomb-downtown-oklahoma-city>.

¹⁴ Manny Fernandez, “Bombing Plot in Oklahoma City is Thwarted with Arrest, F.B.I. Says,” *The New York Times*, Aug. 14, 2017, at https://www.nytimes.com/2017/08/14/us/oklahoma-van-bomb-domestic-terrorism.html?_r=0.

¹⁵ Karen Tumulty and Robert Costa, The GOP Inherits What Trump has Wrought, *The Washington Post*, May 26, 2017, https://www.washingtonpost.com/politics/the-gop-inherits-what-trump-has-wrought/2017/05/26/4e1943ea-4177-11e7-adba-394ee67a7582_story.html?utm_term=.bc5a926d86fa

¹⁶ “David Duke Says a Vote against Trump is Treason to White Heritage,” Hatewatch, Feb. 26, 2016, <https://www.splcenter.org/hatewatch/2016/02/26/david-duke-says-vote-against-trump-treason-white-heritage>.

¹⁷ David Duke (@DrDavidDuke), Twitter (Nov. 9, 2016, 2:14 AM), <https://twitter.com/drdauidduke/status/796249464826687488?lang=en>.

¹⁸ Joseph Goldstein, “Alt-Right Gathering Exults in Trump Election with Nazi-Era Salute,” *The New York Times*, Nov. 20, 2016, https://www.nytimes.com/2016/11/21/us/alt-right-salutes-donald-trump.html?_r=0

¹⁹ *Ten Days After: Harassment and Intimidation in the Aftermath of the Election*, Southern Poverty Law Center, Nov. 29, 2016, <https://www.splcenter.org/2016/11/29/ten-days-after-harassment-and-intimidation-aftermath-election>.

²⁰ Libby Nelson, “‘Why we voted for Donald Trump’: David Duke explains the white supremacist Charlottesville protests,” *Vox*, Aug. 12, 2017, <https://www.vox.com/2017/8/12/16138358/charlottesville-protests-david-duke-kkk>.

²¹ For a synopsis of radical-right terrorist plots, conspiracies and racist rampages, see *Terror from the Right*, Southern Poverty Law Center, at <https://www.splcenter.org/20100126/terror-right>.

two women who were the targets of the perpetrator's anti-Muslim slurs.²² The previous weekend, a white University of Maryland student – a member of a racist Facebook group called Alt-Reich Nation – was arrested for stabbing to death a black ROTC student attending Bowie State University.²³ In March, a white man from Baltimore fatally stabbed a black man with a sword in New York City after traveling there specifically with the intention of killing a black man.²⁴ In February, a white man in Kansas went to a bar and shot two men from India, one fatally, after reportedly telling them to “get out of my country.”²⁵

Looking ahead, we agree with the recent DHS/FBI assessment that the country will continue to see lethal attacks from white supremacists.²⁶ Indeed, we think it's likely that the level of violence may increase in the near term. There is currently an extraordinarily high level of energy in the white supremacist movement. If the political process does not yield the results that those in the movement expect – and we fervently hope that it does not – some may leave the movement. But others may resort to extra-legal means to pursue their objectives or to vent their frustrations.

In the long run, the underlying dynamics that have led to the current state of the white supremacist movement are not likely to change. As our country continues to grow more racially and ethnically diverse, we are likely to see a backlash from those who wish to preserve white hegemony. And, although we commonly refer to the white supremacist movement as a domestic one, it is not confined to the United States. The reality today is that the white supremacist movement is roiling democracies across the Western world.²⁷

There Has Been a Bipartisan Failure to Devote Sufficient Resources to the Threat of Domestic Terrorism

After the deadly Oklahoma City bombing on April 19, 1995, then-Attorney General Reno formed a special task force, the Domestic Terrorism Executive Committee, to coordinate the country's response to the threat of domestic terrorism. The task force was scheduled to hold one of its monthly meetings on September 11, 2001, but did not do so for obvious reasons. But the task force did not miss just one meeting. As the country's focus shifted to the new threat, the task force did not meet again for 13 years. Only after a white supremacist killed three people in Overland Park, Kansas, in 2014 did the Attorney General reconvene it.

²² Jim Ryan, “2 killed in stabbing on MAX train in Northeast Portland as man directs slurs at Muslim women, police say,” *The Oregonian*, May 27, 2017, at http://www.oregonlive.com/portland/index.ssf/2017/05/police_responding_to_ne_portla.html.

²³ Colin Campbell and Tim Prudente, “Suspect in University of Maryland fatal stabbing held without bail, students say school must address racial tensions,” *The Baltimore Sun*, May 22, 2017, at <http://www.baltimoresun.com/news/maryland/crime/bs-md-college-park-monday-20170522-story.html>.

²⁴ Ashley Southall, “Suspect in Manhattan Killing Hated Black Men,” *The New York Times*, March 22, 2017, at <https://www.nytimes.com/2017/03/22/nyregion/manhattan-nyc-james-harris-jackson-hate-crime.html>.

²⁵ Tony Rizzo, Toriana Porter, Laura Bauer, Matt Campbell, Ian Cummings and Judy L. Thomas, “First-degree murder charge filed in possible hate crime shooting at Olathe's Austins bar,” *The Kansas City Star*, Feb. 23, 2017, at <http://www.kansascity.com/news/local/crime/article134459444.html>.

²⁶ *Joint Intelligence Bulletin: White Supremacist Extremism Poses Persistent Threat of Lethal Violence*, Federal Bureau of Investigation and Department of Homeland Security, May 2017, at <https://www.documentcloud.org/documents/3924852-White-Supremacist-Extremism-JIB.html>.

²⁷ Morris Dees and J. Richard Cohen, “White Supremacists Without Borders,” *The New York Times*, June 22, 2015, at <https://www.nytimes.com/2015/06/22/opinion/white-supremacists-without-borders.html>.

Like the Justice Department, DHS cut resources devoted to countering the threat of domestic terrorism after 9/11. In April 2009, the DHS released an unclassified intelligence assessment to law enforcement officials entitled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*.²⁸ Yet, despite the report's accuracy, then-DHS Secretary Janet Napolitano withdrew it following an outcry by those who claimed, falsely, that the report tarred conservatives as potential domestic terrorists. More significantly, the DHS unit responsible for the report was allowed to wither. In the wake of the controversy over the report, *The Washington Post* reported that DHS "cut the number of personnel studying domestic terrorism unrelated to Islam, canceled numerous state and local law enforcement briefings, and held up dissemination of nearly a dozen reports on extremist groups."²⁹

In 2010, the year after the DHS *Right-wing Extremism* report was withdrawn, I was asked to serve on Secretary Napolitano's Countering Violent Extremism Working Group.³⁰ At my request, one of my colleagues, a federally certified law enforcement trainer, was invited to serve as a subject matter expert for the Advisory Council. Neither of us had success in getting the group to focus on the threat of terrorism from the radical right.

In February 2015, when President Obama addressed the White House Summit on Countering Violent Extremism, the first terrorist incident he mentioned was the Oklahoma City bombing. But the discussion at the summit itself focused almost exclusively on the threat associated with extremist forms of Islam. Similarly – just two weeks after the 2015 Charleston massacre – this Committee released a Terror Threat Snapshot that contained no mention of Charleston or the threat of terror from the radical right.³¹

The Trump administration also appears to have minimized the threat from the radical right at various times. A few days before the events in Charlottesville in August, for example, Sebastian Gorka, then a top terrorism adviser to President Trump, ridiculed the notion of lone-wolf terrorists and suggested that white supremacists are not "the problem."³² A month before Charlottesville, DHS canceled a number of grants, including one to an organization called Life After Hate, whose mission is to rehabilitate former neo-Nazis and other domestic extremists.³³

²⁸ PDF on Southern Poverty Law Center website, at

http://www.splcenter.org/sites/default/files/downloads/resource/DOJ_rwextremism2009.pdf.

²⁹ "Homeland Security Department Curtails Home-Grown Terror Analysis," *The Washington Post*, June 7, 2011, at http://www.washingtonpost.com/politics/homeland-security-department-curtails-home-grown-terror-analysis/2011/06/02/AGQEAaDLH_story.html.

³⁰ Countering Violent Extremism Working Group, Homeland Security Advisory Committee, Spring 2010, at https://www.dhs.gov/xlibrary/assets/hsac_cve_working_group_recommendations.pdf.

³¹ <http://homeland.house.gov/sites/homeland.house.gov/files/documents/July%20Terror%20Threat%20Snapshot%200.pdf>.

³² Judd Legum, "White House adviser says people should stop criticizing white supremacists so much," ThinkProgress, Aug. 10, 2017, at <https://thinkprogress.org/white-house-adviser-says-people-should-stop-criticizing-white-supremacists-so-much-ddd587767d60/>.

³³ Jennifer Hansler, "DHS shifts focus of funding to counter violent extremism," CNN, July 4, 2017, at <http://www.cnn.com/2017/07/01/politics/cve-funding-changes/index.html>; Jessica Schulberg, "Controversial Trump Aide Katharine Gorka Helped End Funding for Group That Fights White Supremacy," HuffPost, Aug. 15, 2017, at https://www.huffingtonpost.com/entry/katharine-gorka-life-after-hate_us_59921356e4b09096429943b6.

Another program being slashed – even as the FBI and DHS are warning about further white supremacist violence – is the State and Local Anti-Terrorism Training program. Bob Paudert, a former police chief in West Memphis, Arkansas, whose son and another officer were killed by far-right extremists during a routine traffic stop in 2010, called it “one of the best training programs in the country.”³⁴

We applaud Attorney General Sessions for speaking out forcefully and promising vigorous prosecutions after Charlottesville. Well before the passage of the post-Charlottesville joint resolution, he had formed a task force to examine ways to improve hate crime reporting.³⁵ (The Bureau of Justice Statistics estimates that there are as many as 250,000 hate crimes in our country each year.³⁶ Yet, in its 2016 report, the FBI counted just 6,121 hate crimes.³⁷) We also appreciate Kirstjen Nielsen’s unequivocal condemnation of white supremacy, anti-Semitism, and Islamophobia at the recent hearing on her nomination to serve as the next DHS Secretary.

The President and his Administration Must Fulfill Their Commitments Under the Charlottesville Joint Resolution; Congress Has Responsibilities as Well

The Charlottesville joint resolution is important because it recognizes that the threat of white supremacist terrorism is grave and calls on the President to address it. Although the resolution was passed unanimously and signed by the President, it is nevertheless a “soft” law, because it has no enforceable provisions. Thus, it is incumbent on Congress to ensure that the President and his administration live up to their commitments.

In March 2018 – six months after passage of the Charlottesville resolution – this Committee should exercise its oversight responsibility by holding a hearing to ensure that the President and administration are following through on their various commitments under the resolution. We would urge particular attention to their commitment to “use all resources available ... to address the growing prevalence of ... hate groups in the United States.”³⁸ One aspect of the resolution, a directive to improve the collection and reporting of hate crime data, could be the subject of an earlier hearing, given that Mr. Sessions’ hate crimes task force report is expected in January.³⁹

In addition to exercising its oversight responsibility, there are many other ways in which Congress can and should address the threat of domestic terrorism from the radical right. Given that the white supremacist movement has represented a deadly threat for more than 150 years and the likelihood that it will continue to do so into the foreseeable future, Congress should institutionalize the focus on the threat of this form of terrorism within federal law enforcement agencies so it will always be given the attention it deserves. The Domestic Terrorism Prevention Act, which has been

³⁴ Judy L. Thomas, “As domestic terrorism like Charlottesville rises, federal program to fight it shuts down,” *The Kansas City Star*, Aug. 20, 2017, at <http://www.kansascity.com/news/politics-government/article168110172.html>.

³⁵ U.S. Department of Justice announcement, at <https://www.justice.gov/crt/hate-crimes-subcommittee>.

³⁶ Lynn Langton, “Hate Crime Victimization, 2004-2015,” Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, June 29, 2017, at <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>.

³⁷ “2016 Hate Crime Statistics,” FBI, at <https://ucr.fbi.gov/hate-crime/2016/topic-pages/incidentsandoffenses>.

³⁸ See *supra* note 1.

³⁹ “Attorney General Jeff Sessions’ Statement on the FBI’s 2016 Hate Crimes Statistics,” Department of Justice press release, Nov. 13, 2017, at <https://www.justice.gov/opa/pr/attorney-general-jeff-sessions-statement-fbis-2016-hate-crimes-statistics>.

introduced by Senator Durbin, would provide a mechanism for accomplishing this by requiring DHS, the Justice Department, and the FBI to establish offices to analyze and monitor domestic extremist threats.

Among the Act's provisions is a requirement that the Justice Department, the DHS and the FBI jointly provide an annual assessment of the threat so that Congress can provide the oversight needed. The Act also ensures the continued operation of the State and Local Anti-Terrorism Training program, which provides critical training and resources to assist local, state, and tribal law enforcement agencies in detecting and investigating domestic terrorism. These resources also help law enforcement identify, investigate, and respond to hate crimes. Mike Sena, president of the National Fusion Center Association, has called the Trump administration's elimination of this program "an egregious error."⁴⁰

In its Charlottesville joint resolution, Congress spoke out clearly and unequivocally in condemning "White nationalism, White Supremacy, and neo-Nazism as hateful expressions of intolerance that are contradictory to the values that define the people of the United States" and called on the President to do so as well.⁴¹ It is vitally important that Members of Congress and other political leaders continue to speak out against racism and other forms of extremism that lead to terrorism and hate crimes. The President, in particular, must forcefully reject the white supremacist movement, as is his obligation under the joint resolution. There is no room for confusion or equivocation.

It is also critically important that our commitment to and enforcement of our nation's civil rights laws mirror our commitment to fighting domestic terrorism. While we appreciate Mr. Sessions' focus on hate crimes, we would note the anomalies evident in the administration's actions. The administration commits to vigorous hate crime enforcement, even as it cuts funding for civil rights enforcement.⁴² Mr. Sessions promises a focus on hate crimes against the transgender community, even as the Justice Department withdraws protections for transgender children in public schools.⁴³ Mr. Sessions emphasizes the prosecution of those who burn mosques,⁴⁴ yet the administration vilifies Muslims through its attempts to bar them from entering the country.

On April 23, 1990, when President George H.W. Bush signed the Federal Hate Crimes Statistics Act, he linked the elimination of hate crimes to the "guarantee of civil rights for all Americans," saying that the latter was "one of the greatest obligations" of his administration and the Justice Department. Combating domestic terrorism based on hate is just as important to the goal of

⁴⁰ Judy L. Thomas, "As domestic terrorism like Charlottesville rises, federal program to fight it shuts down," *The Kansas City Star*, Aug. 20, 2017, at <http://www.kansascity.com/news/politics-government/article168110172.html>.

⁴¹ See *supra* note 1.

⁴² Juliet Eilperin, Emma Brown and Darryl Fears, "Trump administration plans to minimize civil rights efforts in agencies," *The Washington Post*, May 29, 2017, at https://www.washingtonpost.com/politics/trump-administration-plans-to-minimize-civil-rights-efforts-in-agencies/2017/05/29/922fc1b2-39a7-11e7-a058-dbb23c75d82_story.html?utm_term=.5bad24f61736.

⁴³ Ariane de Vogue, Mary Kay Mallonee and Emanuella Grinberg, "Trump administration withdraws federal protections for transgender students," CNN, Feb. 23, 2017, at <http://www.cnn.com/2017/02/22/politics/doj-withdraws-federal-protections-on-transgender-bathrooms-in-schools/index.html>.

⁴⁴ Beth Reinhard, "Jeff Sessions Pledges Support for Hate-Crime Laws," *The Wall Street Journal*, June 29, 2017, at <https://www.wsj.com/articles/jeff-sessions-pledges-support-of-hate-crime-laws-1498773053>.

protecting the civil rights of all Americans. Violence perpetrated against vulnerable populations based on factors such as race, ethnicity, religion, or sexual orientation rips apart the very fabric of our country, dividing us along our most fragile lines. As President Bush said that day, “hate breeds violence, threatening the security of our entire society.”

Today, the white supremacist movement is as energized and emboldened as it has been in decades – and we are seeing increased violence against vulnerable populations as a result. We must speak out strongly, and we must act decisively.

There should be no question about where any of our elected leaders stand.

Thank you.