



April 27, 2021



Congressman Jerrold Nadler
Chair, House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

Congressman Jim Jordan
Ranking Member, House Judiciary Committee
2142 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Jerrold Nadler and Ranking Member Jim Jordan:

After watching the terrifying violence of January 6 unfold, and with the growing presence and threat from violent white supremacists on their minds, the American people are now looking to Congress to take swift action to restore their sense of safety in their homes and communities. Our organizations hope to be partners in your legislative and oversight efforts to respond to these developments. As you shape responses to the attempted insurrection, we write to urge you hold accountable violent white supremacists and to zealously protect civil rights and liberties by working toward enactment of the shared priorities we describe below.

Our organizations are unified in our support for the Domestic Terrorism Prevention Act (DTPA) as currently introduced. We would not support a new criminal charge or sentencing enhancement. We write to share a set of suggestions that would have an immediate and significant impact in combating violent white nationalism.

Support the DTPA and Direct Resources to Address the Violent White Supremacist Threat

No single piece of legislation can address the complex problem of white supremacist violence alone. Current federal laws already empower the government to bring a multitude of charges against individuals who commit acts of domestic terror and whose actions prove that they pose a danger to others living in the United States, and adding to this list would not increase the number or effectiveness of cases pursued. Rather, it would harm the same communities targeted for violence by white supremacists.

We urge you to judiciously use existing authorities to investigate and prosecute acts of terror and bias-motivated offenses, in recognition that it is not a lack of options, but rather the failure to dedicate attention and effort commensurate to the white supremacist threat that has constrained government response to these phenomena. When considering new policy proposals, we ask that you engage civil society and the full spectrum of local, state, and federal government agencies in development of strategies to address white supremacist violence.

Federal agencies already have access to significant resources to fight white supremacist terrorism on many fronts, including through studies, investigations into the activities of people and groups that commit or advocate violent white supremacist acts, and the levying of criminal charges. But the extraordinary funding and legal authorities in officials' toolboxes have not yet been directed in full force at the unique threat of white supremacist violence, in spite of clear warning signs that this is, and has been for some time, the predominant threat to our security and stability. We ask you to ensure the

responsible and effective use of government resources by directing federal agencies to align spending with objective measures of the sources of criminal organizing and activity that have long demonstrated the threat of violent white supremacists.

We urge you to enact the DTPA. This priority bipartisan bill would authorize offices and task forces dedicated to monitoring, analyzing, and combatting domestic terror within the Department of Justice and Department of Homeland Security, and further ensure that these and other agencies appropriately prioritize these efforts by requiring regular reporting on findings and results, as well as regular training of state, local, and Tribal officials on recognizing and responding to domestic terrorist threats. Importantly, it would also not create a new domestic terrorism charge or a sentencing enhancement that would come back to harm the very same communities that white supremacists target for hate.

Strengthen Federal Hate Crimes Data Collections

Knowing that data drives policy, our organizations were among the driving forces behind the creation of the FBI's Hate Crimes Statistics report and other federal data collection efforts that help officials and civil society actors understand, prevent, and effectively respond to hate crimes. The ability to identify trends in these data can significantly improve the effectiveness of both public and private interventions, but relevant data collection projects have fallen far short of their potential. The FBI's most recent Hate Crime Statistics [report](#) revealed that 2019 was the deadliest year on record with 51 hate crime murders, a 113-percent increase over the previous record of 24 set in 2018; in addition, total reported hate crime incidents rose to 7,314, marking the fourth increase in the past five years. However, as disturbing as it was, this report only covered a small fraction of all hate crimes, of which about 250,000 occur each year in the U.S. according to the National Crime Victimization Survey. In 2019, for the second straight year, the number of law enforcement agencies providing data to the FBI declined, and 86 percent of participating agencies did not report a single hate crime to the FBI, including at least 71 cities with populations over 100,000.

We urge your leadership in improving the accuracy of the Hate Crime Statistics report and other data collection initiatives around hate crime that are intended to intimidate broad swaths of the population. Enactment of the Khalid Jabara-Heather Heyer NO HATE Act would move the nation in the right direction by investing additional resources in encouraging hate crime victims to communicate with authorities, and law enforcement agencies to comprehensively report to the FBI on suspected hate crimes. In fact, after three decades of experience with collection of hate crime statistics, we believe that the time has come to adopt a reporting mandate to ensure the amount of communication and cooperation between federal, state, local, and tribal agencies that addressing a problem with such widespread effects merits and requires.

Exercise Oversight Authorities with Respect to the Role of Social Media in Augmenting Hate

Social media often amplifies hate, which inevitably targets the most vulnerable — particularly marginalized groups like members of the LGBTQ+ community, racial minorities, and religions. The internet has also become a forum for white supremacists to communicate, organize, mobilize, and recruit. Platforms like Facebook, which uses algorithms that amplify the most corrosive content, promote postings that glorify hate and violence. For years, we have urged major tech platforms to take responsibility for ensuring that their products and business processes protect civil and human rights and do not result in harm or bias against historically marginalized groups, but they have failed to take sufficient action. And despite years of advocacy urging the companies to rectify the problems,

misinformation regarding time, place, manner, and qualifications to vote and content intended to suppress or deter people from voting continue to proliferate. The failure of tech platforms to address these activities harms people of color and members of other marginalized communities. Moreover, despite new policies that ostensibly forbid white supremacy, white supremacists continue to use platforms to incite racist violence on multiple platforms against Asian Americans, African Americans, Jews, Muslims, people with disabilities, and members of the LGBTQ community. Platforms have the tools and the ability to respond effectively to these concerns if they only had the will. Congress should press tech companies on the actions they are taking to improve and enforce their own policies and stop the weaponization of their platforms to suppress the vote, spread hate, and undermine our democracy.

As you consider these recommendations and formulate legislative responses to prevent acts of terror inspired by violent domestic racist, antisemitic, anti-Muslim, and other violent actors, we call your attention once again to the tools the federal government already has to address violent white supremacy and the power you have to ensure that they are directing resources to this threat. We also highlight the preeminent importance of preserving the civil liberties that rightfully protect against the suppression of both beneficial and hateful speech and associations. One of the most important and effective measures you can take to ensure that these efforts do not compromise individuals' rights within our own borders is to ensure that civil society has a voice in the formulation of policy.

Thank you for your attention to these issues and your efforts to enhance the effectiveness of our public investment in stopping domestic terror, with best regards,

Sincerely,



Wade Henderson
Interim President and CEO
Leadership Conference on Civil and Human Rights



Jonathan Greenblatt
CEO and National Director
Anti-Defamation League



LaShawn Warren
Executive Vice President, Government Affairs
Leadership Conference on Civil and Human Rights



Max Sevilla
Vice President, Government Relations,
Advocacy, and Community Engagement
Anti-Defamation League