# **Congressional Testimony**

# A Persistent and Evolving Threat: An Examination of the Financing of Domestic Terrorism and Extremism

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Working to stop the defamation of the Jewish people and to secure justice and fair treatment to all since 1913 Chairman Cleaver, Ranking Member Hill and distinguished Members of the Subcommittee: thank you on behalf of the Anti-Defamation League for the opportunity to testify before you today.

Since 1913, the mission of ADL 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 monitoring and exposing extremist groups and movements who spread hate and commit acts of violence. Through our Center on Extremism, widely recognized as a leading authority on combating extremism, terrorism, and hate in the United States, ADL plays a prominent role in exposing extremist movements and activities, while helping communities and government agencies alike to combat them. ADL's team of experts, analysts, and investigators track and disrupt extremist and terrorist activity, and provide law enforcement officials and the public with extensive resources, including analytic reports on extremist trends. Notable tools include the Hate Symbols Database,<sup>1</sup> which identifies symbols used by extremists, and the Hate, Extremism, Anti-Semitism, and Terrorism (HEAT) Map,<sup>2</sup> an online tool that provides details on extremist and anti-Semitic incidents nationwide that can be filtered by region and type.

#### Murder and Extremism in the United States

The intent of a particular violent act is sometimes unclear or difficult to prove for prosecution, and as such, a metric as illustrative as the number of terrorist attacks is the number of murders committed by known extremists. ADL has tracked murders by extremists since 1970. Between 2009 and 2018, domestic extremists of all kinds killed at least 427 people in the United States. Of those deaths, approximately 73 percent were at the hands of right-wing extremists such as white supremacists, sovereign citizens and militia adherents. In 2018, domestic extremists killed at least 50 people in the U.S., a sharp increase from the 37 extremist-related murders documented in 2017, though still lower than the totals for 2015 (70) and 2016 (72). The 50 deaths made 2018 the fourth-deadliest year on record for domestic extremist-related killings since 1970.

More recently, 2019 proved yet again that Americans do not have the luxury of ignoring extremist threats from across the ideological spectrum, as we saw tragedies in Poway, El Paso, and Jersey City.

These incidents represent merely the most visible extremist violence and crime in the United States: for each person actually killed by an extremist, many more are injured in attempted murders and assaults. Every year, police uncover and prevent a variety of extremist plots and conspiracies with lethal intentions. Moreover, extremists engage in other crimes related to their beliefs, from threats and harassment to white collar crime.

<sup>&</sup>lt;sup>1</sup> Anti-Defamation League, *Hate on Display*<sup>™</sup> *Hate Symbols Database* (<u>https://www.adl.org/education-and-resources/resource-knowledge-base/hate-symbols</u>)

<sup>&</sup>lt;sup>2</sup> Anti-Defamation League, *ADL H.E.A.T. Map: Hate, Extremism, Anti-Semitism, Terrorism* (<u>https://www.adl.org/heat-map</u>)

# Homegrown Terrorism

ADL defines terrorism as a pre-planned act or attempted act of significant violence by one or more non-state actors in order to further an ideological, social, or religious cause, or to harm perceived opponents of such causes.<sup>3</sup> Significant violent acts can include bombings or use of other weapons of mass destruction, assassinations and targeted killings, shooting sprees, arsons and fire-bombings, kidnappings and hostage situations and, in some cases, armed robberies.

While all forms of extremism are worthy of attention, the most severe threats in the United States based on recent data are from the far-right. In recent years, domestic Islamist extremists and right-wing extremists have perpetrated shooting sprees, bombings, and a vast array of plots and conspiracies at roughly similar rates, with right-wing extremist plots resulting in 34 more deaths. Since 9/11, ADL has identified 127 Islamist extremists in the United States involved in 98 terrorist plots or attacks and 161 right-wing extremists involved in 94 plots or attacks.<sup>4</sup> The far-right threat includes terrorist incidents from a wide variety of white supremacists, from neo-Nazis to Klansmen to racist skinheads, as well as incidents connected to anti-government extremists such as militia groups, sovereign citizens, and tax protesters. The number of acts attributed to each far-right extremist sub-group is nearly identical: 64 terror incidents are related to white supremacists, while 63 are related to anti-government extremists. When most people picture right-wing terrorism, they tend to think of white supremacists, but anti-government extremists such as militia groups and sovereign citizens pose just as much of a threat. The danger posed by violent anti-abortion extremists and other, smaller right-wing movements that resort to violence also cannot be ignored.

# White Supremacists

White supremacist ideology in the United States today is dominated by the belief that whites are doomed to extinction by a rising tide of non-whites who are supposedly controlled and manipulated by the Jews. To counter this, white supremacists believe they must act to prevent a "white genocide." This core belief is exemplified by slogans such as the so-called Fourteen Words: "We must secure the existence of our people and a future for white children."<sup>5</sup> White supremacists are often motivated to violence by this racist conviction.

Many white supremacists belong to organized hate groups, but most participate in the white supremacist movement as unaffiliated individuals. Thus, the size of the white supremacist movement is considerably greater than just the members of specific hate groups.

<sup>3</sup> Anti-Defamation League, "Domestic Terrorism" (<u>https://www.adl.org/resources/glossary-terms/domestic-terrorism</u>); Cf. Anti-Defamation League, "Extremism" (<u>https://www.adl.org/resources/glossary-terms/extremism</u>)
 <sup>4</sup> Anti-Defamation League, *A Homegrown Threat: Islamist Extremist Plots in the United States*, May 1, 2018

(https://www.adl.org/media/11160/download)

<sup>&</sup>lt;sup>5</sup> Anti-Defamation League, "14 Words," *Hate on Display*<sup>TM</sup>*Hate Symbols Database* (https://www.adl.org/education/references/hate-symbols/14-words)

The white supremacist movement has a number of different components, including: 1) neo-Nazis; 2) racist skinheads; 3) "traditional" white supremacists; 4) Christian Identity adherents; 5) white supremacist prison gangs; and 6) the alt right.<sup>6</sup>

White supremacists engage in a variety of terrorist plots, acts, and conspiracies. However, white supremacists also have a high degree of involvement with non-ideological criminal activity as well as ideologically-based criminal activity, including murders. However, even if non-ideological murders are ignored, white supremacists still account for the majority of lethal extremist violence in the United States.

Most of the recent growth of the white supremacist movement is attributable to the rise of the alt right since 2015. The newest segment of the white supremacist movement has brought many new faces to the movement, people not previously involved in extremist causes, as well as a new subculture derived from online forums such as 4chan, 8chan, and Reddit, as well as from the misogynistic "manosphere."<sup>7</sup> The alt right was the organizing force behind the white supremacist "Unite the Right" rally in Charlottesville, Virginia, on August 11-12, 2017, which attracted some 600 extremists from around the country and ended in deadly violence.<sup>8</sup> While the growth of the alt right actually threatens to steal recruits from some of the more veteran segments of the white supremacist movement.

Since 2017, the alt right has continued to move from online activism into the real world, forming groups and organizations on the ground and engaging in new tactics such as targeting college campuses. As the alt right received increased media scrutiny, it suffered from dissension and disunity, most notably the departure of many alt right supporters who, though possessing a number of extreme views, did not advocate explicit white supremacy (these defectors are often referred to as the "alt lite").<sup>9</sup> The post-Charlottesville backlash against the alt right impacted many of its leading spokespeople but has not resulted, as some have claimed, in a decline in the movement as a whole.<sup>10</sup>

Other white supremacists – such as neo-Nazis, traditional white supremacists, racist skinheads, white supremacist religious sects, and white supremacist prison gangs – have not been replaced by the alt right, but have continued to threaten our communities. Some white supremacists, such as neo-Nazis, seem to have been buoyed by the alt right to some extent, while others – most notably racist skinheads –may experience a loss of potential recruits at the hands of the alt right.

<sup>&</sup>lt;sup>6</sup> Anti-Defamation League, "Defining Extremism: A Glossary of White Supremacist Terms, Movements and Philosophies" (<u>https://www.adl.org/education/resources/glossary-terms/defining-extremism-white-supremacy</u>)

<sup>&</sup>lt;sup>7</sup> Anti-Defamation League, *When Women are the Enemy: The Intersection of Misogyny and White Supremacy*, July 24, 2018 (<u>https://www.adl.org/media/11707/download</u>)

<sup>&</sup>lt;sup>8</sup> Anti-Defamation League, "Have Hate, Will Travel: The Demographics of Unite the Right" (<u>https://www.adl.org/blog/have-hate-will-travel-the-demographics-of-unite-the-right</u>)

<sup>&</sup>lt;sup>9</sup> Anti-Defamation League, "From Alt Right to Alt Lite: Naming the Hate," July 18, 2017 (<u>https://www.adl.org/resources/backgrounders/from-alt-right-to-alt-lite-naming-the-hate</u>)

<sup>&</sup>lt;sup>10</sup> Oren Segal, "The Alt-Right Isn't Going Away," *The Forward*, July 5, 2018 (https://forward.com/opinion/404501/the-alt-right-isnt-going-away/)

# Anti-Government Extremists (The "Patriot" Movement)

Although the term "anti-government extremism" can be used generically to refer to any fringe movement with an antipathy toward the government, or even the idea of government itself, in the United States the term is usually used to describe a specific set of right-wing extremist movements and groups that share a conviction that part or all of the U.S. government has been taken over by a conspiracy and is therefore not legitimate. Collectively, these movements and groups are often referred to as the "Patriot" movement.<sup>11</sup>

The most important segments of the so-called "Patriot" movement include the militia movement, the sovereign citizen movement and the tax protest movement. Though each sub-movement has its own beliefs and concerns, they share a conviction that part or all of the government has been infiltrated and subverted by a malignant conspiracy and is no longer legitimate. Though there is considerable overlap between the white supremacist movement and "Patriot" groups, that overlap has likely diminished over time.<sup>12</sup>

Currently, the two most important anti-government extremist movements are the militia movement and the sovereign citizen movement. The militia movement, which dates back to 1993, is centered on anti-government conspiracy theories about the relationship between the federal government and an ostensible global conspiracy to create a tyrannical one-world government (often referred to as the "New World Order") that seeks to disarm and enslave Americans. Militia movement adherents claim to be fighting against this global conspiracy and its collaborators within the federal government much like their forefathers fought against the British during the American Revolution. In recent years, the militia movement has also developed extreme anti-immigrant and anti-Muslim beliefs.

Three Percenters and the Oath Keepers are also part of the militia movement.<sup>13</sup> The term "Three Percenter" derives from the erroneous belief that only three percent of colonists fought against the British during the Revolutionary War – but achieved liberty for everybody. Three Percenters view themselves as modern day versions of those revolutionaries, fighting against a tyrannical U.S. government rather than the British. With anyone able to declare themselves a Three Percenter, the concept allowed many people to join who were not suited, physically or by inclination, to engage in the traditional paramilitary activities of the militia movement.

Oath Keepers are a fairly large and loosely-organized anti-government extremist group started by attorney E. Stewart Rhodes that emerged as part of a resurgence of the militia movement in 2008-09. They particularly seek to spread the anti-government ideology of the militia movement among, and to seek recruits from, former and active duty military personnel, law enforcement officers and first responders. However, such a background is not required for membership.

<sup>&</sup>lt;sup>11</sup> Anti-Defamation League, "Defining Extremism: A Glossary of Anti-Government Extremist Terms, Movements and Philosophies" (<u>https://www.adl.org/education/resources/glossary-terms/defining-extremism-anti-government</u>)

<sup>&</sup>lt;sup>12</sup> Anti-Defamation League, "The Lawless Ones: The Resurgence of the Sovereign Citizens Movement" (https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Lawless-Ones-2012-Edition-WEBfinal.pdf)

<sup>&</sup>lt;sup>13</sup> Anti-Defamation League, *The Oath Keepers: Anti-Government Extremists Recruiting Military and Police*, September 18, 2015 (<u>https://www.adl.org/resources/profiles/the-oath-keepers</u>)

The sovereign citizen movement dates back to 1970 in its earliest incarnation and is larger than the militia movement.<sup>14</sup> Sovereign citizens believe that a conspiracy dating back to the 1860s infiltrated and subverted the government of the United States, replacing its laws and legal systems with versions designed to allow repression and tyranny. This conspiracy purportedly replaced the original "de jure" government with a new, illegitimate "de facto" government.

Sovereign citizens believe that they can declare their "sovereignty" and return to the preconspiracy government, after which the "de facto" government has no authority or jurisdiction over them. Sovereign citizens thus believe they can ignore laws, rules, regulations and taxes; as a result, the movement has a high association with criminal activity, both violent and non-violent. Because of a history of violent confrontations between sovereign citizens and law enforcement, including deadly shootouts, the movement represents a significant risk to officer safety.

Though the sovereign citizen movement began in the United States, it spread to Canada in the 1990s and to other English-speaking countries in the 2000s and is even present in small numbers in Europe. Spurred by the recession and foreclosure crisis of 2008-2009 and enabled by the rise of social media, the sovereign citizen movement experienced considerable growth over the past ten years, with corresponding rises in sovereign citizen violence, so-called "paper terrorism" harassment tactics, and white-collar scams and frauds.

#### **Domestic Islamist Extremism**

While Islamist-inspired extremism – such as allegiance to ISIS, Al Qaeda, and related groups – may not fit the prosecutable, legal definition of "domestic terrorism," the domestic Islamist-inspired extremist threat persists and is, in fact, homegrown. Over the past ten years, about 24 percent of victims killed by domestic terrorists were at the hands of domestic Islamist extremists.<sup>15</sup> Of the 127 individuals involved in Islamist extremist-inspired plots since 2002, 66 were born in the United States – approximately 52 percent of the total.<sup>16</sup> Twenty-five of those 127 individuals, or roughly 20 percent, were naturalized citizens, and 23 were lawful permanent or temporary residents – approximately 18 percent. Five of the individuals were foreign citizens, and eight were in the United States without documentation. This means that 90 percent of the individuals involved in these plots were U.S. citizens, lawful permanent or temporary residents, or in the United States with documentation.

In 2018, 13 individuals were arrested for domestic criminal activity motivated by Islamist extremism. Four of the 13 arrests were linked to terror plots, one of which resulted in the murder of a high school student. All 13 individuals arrested for domestic Islamist extremist activity in 2018 were lawfully in the United States at the time of their arrest. As of June 2019, law enforcement had foiled five Islamist extremist inspired plots in the United States, including a plot to attack federal buildings in Washington D.C., carry out a vehicular ramming at the

<sup>&</sup>lt;sup>14</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement*, 2012 (https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/Lawless-Ones-2012-Edition-WEB-final.pdf)

<sup>&</sup>lt;sup>15</sup> Anti-Defamation League, Murder and Extremism in the United States in 2017: An ADL Center on Extremism Report, January 17, 2018 (https://www.adl.org/media/10827/download)

<sup>&</sup>lt;sup>16</sup> Anti-Defamation League, *A Homegrown Threat: Islamist Extremist Plots in the United States*, May 1, 2018 (https://www.adl.org/media/11160/download)

National Harbor in Maryland, attack a white supremacist rally in California, attack a pro-Israel rally and the Israeli consulate in New York, and detonate explosives in Times Square in New York.

Self-radicalized lone actors pose a particular challenge to combat, in that they are often harder to trace, and they do not operate under the direction of any designated terror group, which means their motivations tend to be less clear and their actions less predictable. As such, the domestic threat from Islamist extremism requires continued vigilance, adaptation to a decentralized approach, and an understanding of adherents inspired in America rather than fighters coming from abroad. Notably, beginning in 2008, individuals more often plotted attacks on their own rather than as part of cells. By 2010, the number of individuals involved in Islamist extremist plots was almost equal to the total number of such plots for that year. Between 2014 and 2017, 51 people were involved in 47 plots. In both 2016 and 2017, the number of plots matched the number of individuals involved. And the focus on soft targets<sup>17</sup> has increased significantly since 2014.

# Left-Wing and Black Nationalist Violence

While in no way comparable to the nature and magnitude of the threat posed by right-wing and white supremacist groups, far left-wing violence does still occur in the United States, though at significantly lower levels than during its heyday from 1965-1985. Here we use the term "far left" very broadly, to include anarchists as well as violent black nationalists, even though some of those groups themselves might claim not to be part of the left. The term also encompasses single-issue extremists such as animal rights and environmental extremists, typically emerging from the extreme wings of mainstream movements. Such groups and individuals have been responsible for a relatively small number of terrorist incidents over the past ten years, far less than those committed by either Islamist extremist or right-wing extremist actors.

Of particular note has been a rise of violence related to black nationalism in the past several years, generally as a response to police shootings perceived as wrongful. Several shootings and one vehicular assault have been directed against police officers by such extremists. In 2016, two black nationalists specifically targeted, shot and killed eight police officers in separate incidents in Dallas and Baton Rouge.<sup>18</sup>

# The Financing of Extremism in the United States

Contrary to common public perception, most extremist movements in the United States are largely self-funded, with individuals and groups funding their own activities (violent or otherwise), though online fundraising does play a role, especially for groups and individuals promoting extremist propaganda.

<sup>&</sup>lt;sup>17</sup> A "soft target" is an inherently unprotected target. See e.g., "Soft Target," Wikipedia (<u>https://en.wikipedia.org/wiki/Soft\_target</u>)

<sup>&</sup>lt;sup>18</sup> Anti-Defamation League, *Murder and Extremism in the United States in 2016*, February 16, 2017 (https://www.adl.org/sites/default/files/documents/MurderAndExtremismInUS2016.pdf)

It is important to note that funding levels for any extremist movement do not necessarily correlate tightly with the movement's ability to promote or even perpetrate violence. Domestic terrorism in the United States is primarily committed by lone actors or small, informal cells rather than large, organized or hierarchical groups. Would-be domestic terrorists largely fund their own violence; the cost of obtaining a firearm and engaging in a public attack is small. However, money raised to support non-criminal extremist activities and propaganda can indirectly promote terrorism and other violence by inflaming passions and identifying targets.

As outlined below, certain funding modalities – like cryptocurrencies, for example – are particularly vulnerable to exploitation by extremists. Online payment and money transfer services require further vigilance to prevent their systems from being exploited by extremists. Financial institutions have an interest in protecting their brand and therefore should consider increasing diligence and actively cutting off bad actors from across the extremist spectrum.

#### Anti-government extremists

The anti-government movement is largely self-funded, with relatively few revenue streams. Militia groups, for example, tend to be self-funded, with people putting their own money into their movement activities, purchasing their own weapons, equipment and uniforms, and paying their own way to events they organize or attend.

Occasionally these self-funding activities themselves are unlawful, such as the leader of a militia group in Georgia, who committed murder and insurance fraud by killing his pregnant wife for insurance money, which he used to fund his group.<sup>19</sup>

In general, the sovereign citizen movement is similarly self-funded. There are, however, some unique elements to sovereign citizen funding. For example, sovereign citizen groups and trainers sell many manuals and guides that teach their ideas and tactics. The prices range from hundreds to thousands of dollars. These are sold online as well as in person – on their own sites, or sometimes on third party seller sites, although less common.

Sovereign citizens also commonly hold seminars and training sessions for which they charge (often substantial) fees for people to come to learn ideas and tactics. The sovereign citizen movement is also well-known for perpetrating a variety of scams and frauds – from mortgage fraud to investment scams to immigration fraud and more. Some of these schemes can take in millions or even tens of millions of dollars, most of which is used for the benefit of the scammers.

#### White supremacists

White supremacist extremists use funding for a variety of purposes, such as funding activities and propaganda, as well as criminal defense costs and other organizational needs. However, relatively speaking, in terms of American political and social movements, the white supremacist

<sup>&</sup>lt;sup>19</sup> Seamus Hughes, "Low Cost, High Impact: Combatting the Financing of Lone-Wolf and Small-Scale Terrorist Attacks," Testimony Before the U.S. House of Representatives Financial Services Committee, September 6, 2017 (<u>https://financialservices.house.gov/uploadedfiles/09.06.2017\_seamus\_hughes\_testimony.pdf</u>)

movement is particularly poorly funded. Small in numbers and largely populated by people of minimal means, the white supremacist movement has an inherently weak base for raising money. It should also be noted that far-left extremists, such as black nationalists, also have sparse funding streams but to the extent they do finance themselves, their efforts are similar to those of white supremacists.

Ostracized because of its extreme and hateful ideology, not to mention its connections to violence, the white supremacist movement does not have easy access to many common methods of raising and transmitting money. This lack of access to funds and funds transfers results in barriers and limitations to what white supremacists can achieve.

Recent developments, particularly in crowdfunding, provided a small number of high-visibility white supremacists with additional revenue streams – mostly small but sometimes significant. However, mainstream crowdfunding sites are now much more likely to prevent white supremacists from exploiting their platforms, while the "alternative" crowdfunding sites established by extremists themselves have mostly failed.

Because white supremacists often face "de-platforming"<sup>20</sup> (banning users who violate terms of service) and exclusion from mainstream online methods of raising or transferring money, they have become particularly assiduous at exploiting new methods of fundraising, often seeking out platforms that have not yet realized how extremists can exploit them and have not developed policies or measures to counter such exploitation. When a new fundraising method or platform emerges, white supremacists can find a window of opportunity. These windows can, however, be shut if platforms promptly take countermeasures.

As outlined in ADL's 2017 report titled, "Funding Hate: How White Supremacists Raise Their Money,"<sup>21</sup> the main sources of white supremacist funding include:

#### Self-funding

Most white supremacists fund their own activities in the movement – whatever those activities may be. This is not surprising; most white supremacists do not belong to any organized group and have little to rely upon other than their own resources. If they want to attend a white supremacist event somewhere, they must travel there themselves or find a ride with others. They often must pay for their own tattoos, clothing, paraphernalia and weaponry. Because many white supremacists are not economically advantaged, such self-funding does not generate much money as a whole.<sup>22</sup>

<sup>&</sup>lt;sup>20</sup> Anti-Defamation League, "When Twitter Bans Extremists, GAB Puts Out the Welcome Mat," March 11, 2019 (<u>https://www.adl.org/blog/when-twitter-bans-extremists-gab-puts-out-the-welcome-mat</u>)

<sup>&</sup>lt;sup>21</sup> Anti-Defamation League, *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (https://www.adl.org/media/10761/download)

<sup>&</sup>lt;sup>22</sup> Anti-Defamation League, "Chapter 2: Self-Funding," *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (<u>https://www.adl.org/resources/reports/funding-hate-how-white-supremacists-raise-their-money#self-funding</u>)

#### Organizational funding

Most white supremacist groups, as well as other white supremacist entities such as websites, do solicit voluntary donations, regardless of whether they have membership dues. For example, the Arkansas-based Knights Party, a Klan group, solicits donations of from \$5 to \$500 through an online store. Fundraising campaigns for limited and specific purposes – such as raising money to pay the legal fees of an arrested white supremacist – often have a greater chance of success than broader or more generic entreaties.<sup>23</sup>

Most of these groups seeking dues and donations cannot easily use electronic forms of payment, because companies like PayPal make an effort to prevent white supremacists from using their services. The Knights Party, for example, allows people to "purchase" donations online but they must send checks or money orders by mail. The National Policy Institute, the "think tank" of alt right ideologue Richard Spencer, complains on its site that "each of our online donation processors has been successively torpedoed by Silicon Valley," and asks that people send traditional checks or money orders.

Unfortunately, extremists continue to exploit some payment platforms, such as Stripe, a payment platform for internet businesses.<sup>24</sup>

Other products, including storefront software, also allow users to purchase items from extremist websites, some of which even helps promote the extremists' brand, such as extremist T-shirts and other fashion items.<sup>25</sup>

#### Criminal Activity

White supremacists engage not only in ideological crimes such as hate crimes or terrorist plots, but also a wide variety of traditional crimes – including crimes intended to obtain money, such as drug dealing, robberies, and thefts. White supremacist prison gangs, many of which can be described as organized crime syndicates, are particularly noteworthy for such activities, but this type of criminal behavior can be found to some degree across much of the white supremacist movement.<sup>26</sup>

<sup>&</sup>lt;sup>23</sup> Anti-Defamation League, "Chapter 3: Organizational Funding," *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (<u>https://www.adl.org/resources/reports/funding-hate-how-white-supremacists-raise-their-money#organizational-funding</u>)

<sup>&</sup>lt;sup>24</sup> Jared Holt, "Stripe Payment Platform is Facilitating a Fundraiser for This Neo-Nazi Gang," Right Wing Watch, January 7, 2019 (<u>https://www.rightwingwatch.org/post/stripe-payment-platform-is-facilitating-a-fundraiser-for-this-neo-nazi-gang/</u>)

<sup>&</sup>lt;sup>25</sup> Cynthia Miller-Idriss, "The rise of fascist fashion: Clothing helps the far right sell their violent message," *Salon*, April 21, 2018 (<u>https://www.salon.com/2018/04/21/the-rise-of-fascist-fashion-clothing-helps-the-far-right-sell-their-violent-message/</u>); Cynthia Miller-Idriss and La'Nita Johnson, "The far right is really good at tricking you into giving it free advertising." *Quartz*, July 30, 2019 (<u>https://qz.com/1677549/how-the-far-right-tricks-online-shoppers-into-spreading-its-message/</u>)

<sup>&</sup>lt;sup>26</sup> Anti-Defamation League, "Chapter 4: Criminal Activity," *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (<u>https://www.adl.org/resources/reports/funding-hate-how-white-supremacists-raise-their-money#criminal-activity</u>)

Most such criminal activity, however, is designed primarily to benefit the person or persons engaging in the crime, rather than a white supremacist group or white supremacist causes as a whole. As such, criminal activity is not a major source of funding for white supremacism as a movement.

### Online funding platforms

The most significant new type of funding for the white supremacist movement has been crowdfunding or crowdsourcing, which can be used by both individuals and groups. Essentially an extension of social media, crowdfunding consists of using dedicated internet platforms such as GoFundMe, Patreon, FundRazr, Indiegogo, and Kickstarter, among others, to solicit and raise money for specific products, projects or general support from among a wide base of people. Today, crowdfunding is used by the general public to finance a wide range of activities, from moviemaking to wrestling camps.<sup>27</sup>

White supremacists quickly discovered the usefulness of such platforms. In 2014, white supremacist Kyle Hunt launched an Indiegogo fund drive to produce "Stop White Genocide" banners for planned White Man March events across the country. With 50 backers contributing money, Hunt quickly raised over \$3,500, well over his stated goal of \$2,000. A similar campaign aimed to purchase an aerial sign (i.e., one pulled by a plane) reading "March Against White Genocide," which was also successful. Canadian white supremacist Veronica "Evalion" Bouchard successfully raised more than \$1,600 on Indiegogo in 2016 for a "new studio set up" to use to make racist videos.

However, as mainstream crowdfunding websites became aware of white supremacist exploitation of their platforms, they have increasingly moved to block these users. Some white supremacists and other extremists attempted to create their own alternative crowdsourcing platforms, like GoyFundMe, Hatreon, and WeSearchr, but these have all have failed. We assume that failure is due at least in part to the fact that their financial and technical resources are dwarfed by mainstream platforms and fringe platforms have user-bases that are insignificant in comparison to mainstream platforms.

However, white supremacists continue to exploit newly emergent crowdfunding platforms, at least until those platforms take countermeasures.

#### **Cryptocurrencies**

White supremacists routinely encounter problems with money transfers and payment processing. Many online payment sites deny them access and sometimes even getting a credit card payment processor can be challenging. As a result, white supremacists are not guaranteed swift electronic funding transfers, and money is generally transferred by check, money order or cash sent by mail.

<sup>&</sup>lt;sup>27</sup> Anti-Defamation League, "Chapter 5: The New Kid on the Block: Crowdfunding," *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (<u>https://www.adl.org/resources/reports/funding-hate-how-white-supremacists-raise-their-money#the-new-kid-on-the-block-crowdfunding</u>)

In recent years, the electronic cryptocurrency Bitcoin, which can be used for digital payments, has become an attractive alternative for some white supremacists, including Stormfront, the oldest and largest white supremacist website on the internet. The site claims that Bitcoin is its preferred payment method and provides its Bitcoin address to would-be contributors. In August 2017, Matt Parrott of the Traditionalist Worker Party, a neo-Nazi group, announced a "sweeping shift toward relying on blockchain-driven technologies [*i.e.*, cryptocurrencies like Bitcoin or Ethereum] instead of the traditional corporate internet." The group had already been getting at least some donations through Bitcoin since 2015.<sup>28</sup>

One odd aspect of Bitcoin is that, while the crypto-currency is anonymous in the sense that it does not transmit personally identifying information, it is quite transparent in that all transactions using Bitcoin are permanently and publicly stored. This means that if one knows the identifier for Bitcoin "wallets" belonging to extremists, one can see the overall wallet value as well as the individual transaction amounts for those wallets. However, unlike more traditional forms of payment processors like credit cards that actually log purchases, it's impossible to know what is being purchased using cryptocurrency without further investigation, even if the transactions between individuals are transparent in the cryptocurrency model. In October 2017, journalists Will Carless and Aaron Sankin did just that, with help from a Twitter bot, @NeonaziWallets, which posts information related to certain identified Bitcoin wallets. They revealed that Stormfront's Bitcoin wallet was worth more than \$30,000, while that of the neo-Nazi website Daily Stormer was ten times that amount. Perhaps most surprisingly, their report revealed that white supremacist hacker Andrew Auernheimer has received more than a million dollars in Bitcoin currency, a staggering amount for a white supremacist. (It should be noted that Auernheimer's appeal extends beyond the white supremacist movement into several other movements or subcultures and therefore, he is not necessarily representative of white supremacists' use of Bitcoin.) These figures illustrate that a small number of prominent white supremacists have been able to receive significant amounts via cryptocurrency.<sup>29</sup>

As more cryptocurrencies have emerged, white supremacists have exploited them as well. Examples include Ethereum, Litecoin, Bitcoincash, and Chainlink, but any popular cryptocurrency may be used by white supremacists.

However, cryptocurrencies are not a panacea for white supremacists' money transfer difficulties. While white supremacists may be able to transfer money from their own "wallets" to those of other white supremacists, obtaining wallets or converting cryptocurrency into traditional money requires the services of other businesses. Some of these companies providing wallets and conversion services, such as Coinbase, have terms of service that can be used to deny access to white supremacists—something that Coinbase has done on more than one occasion. Other companies, however, may have only minimal provisions in their terms of service, or may not enforce them well.

<sup>&</sup>lt;sup>28</sup> Anti-Defamation League, "Chapter 6: Bitcoin and Cryptocurrencies," *Funding Hate: How White Supremacists Raise their Money*, December 5, 2017 (<u>https://www.adl.org/resources/reports/funding-hate-how-white-supremacists-raise-their-money#bitcoin-and-cryptocurrencies</u>)

<sup>&</sup>lt;sup>29</sup>Aaron Sankin and Will Carless, "The Hate Report: People have sent this neo-Nazi over \$1M in bitcoin," *Reveal News*, October 27, 2017 (<u>https://www.revealnews.org/blog/hate-report-people-have-sent-this-neo-nazi-over-1-million-in-bitcoin/</u>)

It is clear that white supremacist funding can be further inhibited through encouraging businesses in the cryptocurrency industry to adopt and enforce terms of service that would prohibit their use, as Coinbase puts it, to "incite, threaten, facilitate, promote, or encourage hate, racial intolerance, or violent acts against others."<sup>30</sup>

#### Exploitation of Other Online-Enabled Methods of Raising or Transferring Money

White supremacists are quick to exploit any method they can for raising or sending money. Some, for example, promote the use of gift cards and gift lists. They urge people to purchase gift cards through credit card companies or major retailers, then send the cards to them electronically or through the mail. Gift lists are essentially a "payment in kind" method of fundraising that originated with amateur pornographers, using a barter-like system to obfuscate the purpose of the payment from oversight. Some extremists have published "wish lists" of items for sale on sites like Amazon, urging their followers to purchase those items for them.

Some extremists currently exploit a relatively new technology – streaming donations. A recent YouTube feature called SuperChat allows people to pay to post comments during livestreaming video events—essentially a way of supporting whoever is making the broadcast. Third party companies also offer streaming donation services for various popular video platforms, and white supremacists have exploited some of these as well.

#### Online Advertising

A few white supremacist organizations have generated advertising revenues through their websites in sophisticated ways. These methods include using advertisement services like Google AdSense or Doubleclick that automate the process of placing an advertisement on a website without the website owner and advertising company having to interact, and without the advertising company having to explicitly opt in for its ads to be placed on any website. The website owner generates revenue from Google or Doubleclick, who in turn receive payments from the advertising company. Websites that peddle anti-Semitism and Holocaust denial, like Counter-Currents Publishing, American Free Press, The Right Stuff, and Veterans Today, were found to be generating revenue using Google AdSense.<sup>31</sup>

While Google announced an update to their AdSense policy in 2017<sup>32</sup> to protect advertisers who did not want to see their advertisements placed next to hateful content, the issue appears to persist,<sup>33</sup> with reports of white supremacist groups adapting to Google's updated policies by

<sup>&</sup>lt;sup>30</sup> Coinbase User Agreement (<u>https://www.coinbase.com/legal/user\_agreement</u>)

<sup>&</sup>lt;sup>31</sup> Eric Hananoki, "How Anti-Semitic And Holocaust-Denying Websites Are Using Google AdSense for Revenue," *Media Matters for America*, January 30, 2017 (<u>https://www.mediamatters.org/google/how-anti-semitic-and-holocaust-denying-websites-are-using-google-adsense-revenue</u>)

<sup>&</sup>lt;sup>32</sup> Philipp Schindler, "Expanded safeguards for advertisers," March 21, 2017 (https://blog.google/topics/ads/expanded-safeguards-for-advertisers/)

<sup>&</sup>lt;sup>33</sup> John Ellis, "Dear Google: Please stop using my advertising dollars to monetize hate speech," *Quartz*, January 11, 2018 (https://qz.com/1177168/dear-google-please-stop-using-my-advertising-dollars-to-monetize-hate-speech/)

creating networks of websites that do not contain explicitly hateful content but generate funds by creating user traffic and which can ultimately support white-supremacist activity.<sup>34</sup>

#### **Principles for Addressing the Challenge**

The threat of domestic extremism in the United States is severe. The government, private sector, and civil society must come together to comprehensively develop new approaches to keep our communities safe. However, we must concede that the financing of these organizations is not significant – the organizations are loose and inexpensive to operate, their operations are inexpensive, and preventing lone actors from self-financing is highly challenging. But that does not mean there is not significant work that can be done to help cut off some additional financing to extremist organizations that would mitigate the threat in meaningful ways, such as by increasing efforts to counter extremism writ large and ensuring they include financial measures, as well as by integrating domestic extremism concerns into existing financial oversight. Part of the challenge at this phase is that this issue has not been addressed in a meaningful way before – I believe this is the first hearing in recent history on this topic, and one of few on related topics.<sup>35</sup> Therefore there are not actionable plans specific to extremist financing to which we can point, but there are related approaches that await Congressional action and other elements due for consideration and evaluation.

While the threat of domestic extremism has been on the rise in recent years, government resources have gone the opposite direction. My former office in DHS that worked to prevent extremism through grants and related partnerships with local organizations was stripped of staff and grant funding, only to see most – but not all – of the original funding restored<sup>36</sup> in the most recent budget, but without the increase in resources that the rising threat demands. Further, DHS intelligence analysts specializing in domestic terrorism were reassigned;<sup>37</sup> while they may still serve as intelligence analysts, the loss of specialization may significantly hinder DHS's abilities. These changes may seem a small regress, but they can have a sizable impact. Moreover, the threat of domestic terrorism requires a significant increase in efforts to counter it; and filling the gap between what the government is doing and what we need is paramount.

Congress should pass several types of legislation to combat the domestic terrorism challenge from various angles. Bills to codify into law domestic terrorism specialization offices, to increase transparency into how the government sees the threat and what it is doing to counter it, to devote additional resources to combating the challenge and to increase the prioritization of

<sup>&</sup>lt;sup>34</sup> "How You Thought You Support The Animals and You Ended Up Funding White Supremacists," *Vox Pol*, December 11, 2019 (<u>https://www.voxpol.eu/how-you-thought-you-support-the-animals-and-you-ended-up-funding-white-supremacists/</u>)

<sup>&</sup>lt;sup>35</sup> See, e.g., "How the Tax Code Subsidizes Hate," House Ways and Means Subcommittee on Oversight, September 19, 2019; "Low Cost, High Impact: Combatting the Financing of Lone-Wolf and Small-Scale Terrorist Attacks," Financial Services Committee, September 6, 2017.

<sup>&</sup>lt;sup>36</sup> See, e.g., Peter Beinart, "Trump Shut Programs to Counter Violent Extremism," *The Atlantic*, October 29, 2019 (<u>https://www.theatlantic.com/ideas/archive/2018/10/trump-shut-countering-violent-extremism-program/574237/</u>); Department of Homeland Security Appropriations for 2020 (<u>https://docs.house.gov/billsthisweek/20191216/BILLS-116HR1158SA-JES-DIVISION-D.pdf</u>)

<sup>&</sup>lt;sup>37</sup> Betsy Swan, "Homeland Security Disbands Domestic Terror Intelligence Unit," *The Daily Beast*, April 2, 2019 (https://www.thedailybeast.com/homeland-security-disbands-domestic-terror-intelligence-unit)

combating precursor crimes such as hate crimes are all welcome reforms that we need urgently. These reforms could include a financial component, to the extent appropriate – with the goals of improving the transparency and understanding of the financial components of domestic terrorism and prioritizing investigation and prosecution of financial crimes (under current law) that facilitate hate and extremism.

Law enforcement could further prioritize the issue of domestic extremist financing. If law enforcement suspects that financing of domestic terrorism in a particular instance is unlawful, they should pursue it, which would require prioritization from FBI and the Department of Justice. Current policy for prosecuting domestic terrorism cases involves high-priority investigations by the domestic terrorism team at FBI, but – as there is no directly relevant, prosecutable federal domestic terrorism statute – they are prosecuted under other laws such as murder, hate crimes, or weapons charges. FBI and Department of Justice officials could also review whether those investigated as domestic terrorists may have violated financial crimes (under current law) as part of a prosecution.

Existing approaches to financial crimes and diligence should also be adapted to address the domestic extremism concerns when appropriate. This Committee's hearing on this issue is welcome and we urge you to continue evaluating the potential for developments in this area. While Foreign Terrorist Organization (FTO) provisions such as those prohibiting material support are not appropriate in the setting of domestic terrorism due to the different legal framework, that obviously does not leave domestic terrorists impervious to any financial-related criminal prosecution if they violate applicable financial statutes. A Congressional review would be welcomed on issues such as anti-money laundering (AML) approaches, suspicious activity reporting, financial intelligence practices, tax policies, and how there may be reforms in accordance with current law that could better deprive domestic extremists of resources.

Potential reforms do not end with government either. We need a whole-of-society approach to countering domestic extremism. Civil society can provide expertise, convening power, and services to communities to off-ramp individuals on a path to extremism. We work with law enforcement, the technology sector, mayors, governors, and community members to promote an awareness of hate and extremism and to reduce the likelihood that it hurts our communities. There are other organizations whose efforts show considerable promise in cutting off resources to hateful organizations, such as Color of Change and SumOfUs.<sup>38</sup> Their advocacy has led to many reforms from companies to prevent money from flowing to extremists through credit card processers and related companies. We thank them for their efforts and hope leaders like those in Congress will applaud similar efforts.

Financial companies, ranging from credit card processors to insurers and those in e-commerce all have a role to play. Similar to social media companies, they should be aware of how domestic extremists abuse their platforms, and they use that knowledge to update and enforce terms of service to ensure that abuse by extremists does not help fund terrorism. We provide expertise to

<sup>&</sup>lt;sup>38</sup> See, e.g., Color of Change, "#NoBloodMoney" (<u>https://colorofchange.org/press\_release/one-year-after-charlottesville-color-of-change-launches-bloodmoney-org-targeting-financial-service-providers-that-continue-to-profit-from-white-supremacist-organizations/); SumOfUs, "Stop financial corporations funding hatred and violence" (<u>https://actions.sumofus.org/a/stop-financial-corporations-from-funding-violence-and-hate</u>)</u>

private sector companies to help them in these types of risk mitigation activities, and we look forward to expanding those efforts.

## <u>Recommendations for Research and Mechanisms to Address Domestic Terrorism</u> <u>Financing</u>

Due to the complex nature of the intersection between finance, technology and domestic terrorism, ADL recommends this area receive significant further study. Congress should fund research on these topics, including support for research by government agencies, academic institutions, and/or non-profit organizations, and should ensure the views experts from the fields of finance, technology, civil rights and civil liberties, and public policy are brought to bear. This important research could produce recommendations for new laws or regulatory frameworks as well as for policy changes and actions that private entities can take to aid in addressing the problem.

Such research would aim to understand and analyze the online financial ecosystem behind hatemotivated conduct and crimes. It could begin by considering a defined universe of cases, and then delving into the funding streams, types of transactions and financial mechanisms that enabled each incident. A study would provide a body of informative data and also deduce patterns and trends.

New forms of financial products and services, including cryptocurrencies, should be addressed. Analysis should cover challenges as well as opportunities inherent in these new financial products and services for those endeavoring to stop the funding of hate and violence.

#### A. Assess Potential Legal and Regulatory Changes to Address the Threat

Based on the findings and research, we ask Congress to reconsider options for tailored approaches to countering the domestic terrorist financing threat. That approach could comprise a comprehensive government strategy if appropriate, but certainly should include ways the government can better address the issue of domestic extremist financing and how best to train and prepare government entities for related tasks. The scope of any such reforms must be limited to financial entities' role in enabling illegal activity, not First-Amendment-protected activity. Privacy and civil liberties concerns will be crucial, and we look forward to considering the civil liberties implications of any potential reforms before they are enacted.

#### B. Potential Best Practices for Private Companies that Provide Financial Products or Services

We assess that the companies such as online payment processers currently addressing the challenge of mitigating abuse of their services for financing extremist causes may frame their approach to include:

1) Effective terms of service, as well as internal policies and procedures to implement them, to prevent exploitation by extremists;

- 2) Sufficient human and technological resources to detect and prevent exploitation and attempted exploitation by extremist on their platforms and services; and
- 3) Responsiveness to warnings by users and third parties of instances of extremist exploitation of their platforms and services.

While information on specific financial company successes and challenges in countering extremism is limited – and further transparency is needed – new methods to counter these threats and a deeper understanding of what works in the financial sector to mitigate the threat would be welcome.

Industry best practices would be useful and important to develop, particularly with regard to a complex and evolving online funding ecosystem. In order to recommend new or additional best practices for private companies, it would help to have additional research and in-depth analysis regarding the way online products or financial services are used by hateful extremists.

A look into industry best practices should cover areas that (i) help online payment services prevent extremists from using their services to further illegal activity, (ii) provide transparency through anonymized and aggregated datasets and insights to help researchers and policy makers conduct analysis and make decisions, and (iii) create a framework that allows platforms using new technologies like cryptocurrency that enable online transactions to assess and mitigate the potential for exploitation of their services.

As these best practices would be voluntary steps by private entities rather than state action, recommendations could be broader without running afoul of First Amendment legal protections.

A non-exhaustive list of potential best practices for companies could include:

- Develop and Implement Anti-Hate Terms of Use Policies
  - In addition to existing laws, companies involved in online payments should have inclusive, comprehensive, and robust policies that explicitly prohibit the use of their products or services to fundraise for extremists, hate groups, movements, and events that advocate violence or promote discrimination or dehumanization of any group. It is crucial that these terms are clear and transparent and that users consent to them initially and at the point of transaction. Companies must then vigorously enforce these guidelines for the benefit of their users
    - As an example of an anti-hate policy, PayPal's use policy states: "You may not use the PayPal service for activities that: (1) violate any law, statute, ordinance or regulation. (2) relate to transactions involving. . . (f) the promotion of hate, violence, racial or other forms of intolerance that is discriminatory. . . "<sup>39</sup>

<sup>&</sup>lt;sup>39</sup> PayPal, Acceptable Use Policy, updated June 15, 2018 (<u>https://www.paypal.com/us/webapps/mpp/ua/acceptableuse-full</u>)

- In contrast, many companies currently have policies that could be broader when it comes to restricting transactions likely to promote discriminatory conduct, threats, or incitement to violence. For example, MasterCard articulated its use policy in 2017 (in response to activism after Charlottesville): "...we're working with our acquirers to shut down the use of our cards on sites that make specific threats or incite violence because this activity can be unlawful. ...
  We believe that offensive speech will be seen for what it is and that it will lose its force in the free marketplace of ideas. For that reason, our cards may still be accepted at some sites that people find offensive. Our standard is whether a merchant's activity is lawful, even when we disagree with what they say or do. That supports the ideals of free expression."<sup>40</sup>
- Establish Reporting Mechanisms
  - Users should be able to quickly and easily report to an online payment processor if they believe that their services are being used by members of hate groups to conduct transactions that support activity that discriminates against any group.
- Transparency Reporting and Annual Auditing
  - Payment processor companies should be encouraged to release information on trends in which extremists and domestic terrorism groups and movements are being blocked from using their services and the frequency with which these blocks happen. They should also be audited on their tracking of attempts made by individuals to use payment services to commit or assist unlawful activity, and the nature of the activity itself.
- <u>Safety Team Development and Trainings</u>
  - Companies that provide online payment processing services should have safety teams with analysts who actively work with researchers to find instances where their services are being used to promote hateful and harmful movements and related illegal activity. Safety team analysts should receive routine training to help identify transactions that could be used to further acts of hate and domestic terrorism. This could include training on hate symbols and hate group social media use.
- <u>Collaborations</u>
  - Payment service providers need to work in close partnership on combating this threat with other relevant horizontal and vertical stakeholders like social media platforms, internet infrastructure companies that provide hosting services, and advertising companies that sponsor or facilitate the sponsoring of ads on websites. This collaboration is necessary to prevent miscommunication between stakeholders from hampering efforts aimed at preventing the funding of domestic terrorist groups and hate movements.

<sup>&</sup>lt;sup>40</sup> MasterCard, *Statement on the Use of our Network*, August 18, 2017 (<u>https://newsroom.mastercard.com/news-briefs/mastercard-statement-on-the-use-of-our-network/</u>)

# • <u>Limitations</u>

- There is a key practical implementation issue regarding line-drawing in crafting these terms of use policies: the nexus between finances raised and ultimate conduct that promotes hate. Moreover, attribution of many transactions may be difficult, further complicating enforcement. All such complications should be considered within any best practices evaluation.
- Companies should have a process by which individuals and organizations who are denied the ability to utilize a certain financial entity's product or service, or whose specific transactions are denied, are informed of the reason for the denial and provided the opportunity to dispute the denial in a timely manner. The existence of such a dispute resolution mechanism should be transparent and clear to the user; for example, a browser page providing the option to dispute could pop up immediately upon a transaction being denied.
- Additionally, particularly in the current polarized political climate, financial service companies could be hesitant to become the referees of what constitutes hate or discrimination and what constitutes legitimate political viewpoints. Civil liberties should be front of mind with every action taken.

#### **Recommendations for Countering Domestic Terrorism in General**

**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 of countering domestic terrorism:** The Fiscal Year 2020 National Defense Authorization Act (NDAA) required increased coordination, accountability, and transparency of the federal government in collecting and recording data on domestic terrorism. 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. This transparency should be extended to financial intelligence and prosecutions.

**Resources to combat 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 certain aspects of the threat, there must be a formalized and institutionalized mechanism for information flow on domestic terrorism. The National Center for Missing and Exploited Children (NCMEC) has set up such a public-private partnership that could serve as a model for this effort in how it 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, empowering academic institutions to research what works in prevention, to provide funding for law enforcement training on white supremacy and extremism, and to help civil society and 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 (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.

**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 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) 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 it is appropriate to apply the designation.

# **Conclusion**

Domestic extremism and terrorism are at frightening levels in America. The threat needs the urgent attention of Congress in a variety of ways. While the financing of domestic extremist organizations may be fluid and sparse, we must still seek to deprive them of resources so that today's funding stream does not enable tomorrow's atrocity. Simple measures to understand extremist financing can be taken now, a range of provisions to counter domestic terrorism writ large can be passed by Congress now, and the time has come for our government to show leadership in countering hate and promoting hope.