

# How to Combat White-Supremacist Gun Violence While Protecting the Second Amendment

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Mourners take part in a vigil at El Paso High School after a mass shooting at a

Walmart store in El Paso, Texas, August 3, 2019. *(Jose Luis Gonzalez/Reuters)* **We have to set aside the longstanding reluctance to recognize the nexus between ideology and brutality.**

**A**s our editorial declares, white-supremacist ideology is an evil, and it is fueling mass-murder attacks. This blunt truth is reaffirmed by the shocking rampage in in El Paso, Texas, this weekend, which was followed within 24 hours by another mass shooting in Dayton, Ohio — both coming on the heels of a similar massacre last week at a garlic festival in Gilroy, Calif.

The toll in these three attacks is still in flux but, as of this writing, stands at 32 dead and 66 wounded. The *New York Times reports*, moreover, that our country has seen at least 32 mass shootings this year, defined as three or more killings in a single episode.

We don't yet know the motive in the California attack. The Ohio shooter has been publicly identified by police, but as of this writing not much is known about him — except that his own sister was among the victims. To the contrary, strong evidence has already emerged that the El Paso assassin was a white racist.

Anti-gun leftists, for whom racism explains most of the nation's ills, rail against politicians and commentators expressing sympathy and stating that their "thoughts and prayers are with the victims and their families." I don't question the sincerity of the progressive rage, but it is political posturing nonetheless: If the time for soothing words is over, satisfaction will come only from actions that the Left demands. For the most part, that means heavy-handed federal firearms restrictions — explicit confiscation if they can get away with it, de facto confiscation by regulation otherwise.

The racist shooting in El Paso is a political opportunity to demagogue Second Amendment advocacy as the equivalent of hateful white supremacism. Along these lines, one complaint resonates: If these attacks had been carried out by jihadists, Americans would demand aggressive countermeasures, regardless of whether such measures transgressed constitutional boundaries.

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McConnell Says Senate Will Consider a Gun Bill

Of course, the lawful possession of firearms for self-defense is protected by the Constitution. The Second Amendment is not going to be repealed — by either the constitutional process or judicial fiat. And there are probably many more guns than people in the United States; if there ever were an authoritarian effort to confiscate firearms, we would be markedly less safe, because violent lawbreakers would still have easy access to them while the rest of us would be defenseless.

Nevertheless, there are aggressive investigative measures that can be taken to identify, profile, and monitor white supremacists who are potential assassins — measures that would be effective and consistent with the Constitution. Alas, they involve methods of intelligence-based policing — of trying to prevent attacks rather than contenting ourselves with post-atrocity prosecutions — that the Left has spent more than two decades undermining.

In large measure, and especially in big cities run by progressive Democrats, this anti-anti-jihadism campaign has taken its toll. The Obama administration's national strategy for combating terrorism, Countering Violent Extremism, effectively denied that there was a causal nexus between ideology and violence, specifically between sharia-supremacism and terrorism committed throughout the world by Muslims. This is arrant nonsense, but because it was nonsense spouted by politicians in power, who were beholden to Islamist interest groups, it became guidance for federal and municipal law enforcement.

There was an exception: violence attributable to terrorist *organizations*. If an individual could be tied to an officially recognized foreign terrorist organization — for example, al-Qaeda or ISIS — police could investigate aggressively. Surveillance could be stepped up, social media could be monitored, assets could be seized, all with the objective of preventing attacks.

Note, though, that even this exception derives from the fallacy of denying the catalyzing effect of sharia-supremacist ideology. Investigators must rationalize that the “extremists” they are monitoring (mostly young Muslim men) have fallen under the spell of “al-Qaeda ideology” or “ISIS ideology” — as if these had nothing to do with Islam, rather than being what they are: iterations of an ideology drawn from a fundamentalist construction of Islamic texts, which is backed by over a millennium of revered scholarship and inspires violence

regardless of whether those taking inspiration are formally affiliated with a known terrorist organization.

There is an important consequence of this false distinction between formal entities and the underlying ideology. We have gotten very good since 9/11 at thwarting attacks plotted by officially recognized terrorist organizations; yet we are not nearly as adept at detecting preparations and preventing attacks by unaffiliated jihadists — young men who are inspired more than operationally directed by outfits like al-Qaeda, and who are galvanized by the fundamentalist interpretation of Islam they consume on the Internet and in mosques known to be sympathetic to this ideology.

We could be better at picking out the “lone wolves” before they strike. Police, however, have been trained to ignore the inevitability that anti-American ideology will trigger some adherents to commit mass-murder attacks. The legal illiteracy drummed into our agents is that because noxious ideas are constitutionally protected, they must be disregarded for investigative purposes. If the law-enforcement agents target radical mosques for surveillance on the premise that they are drivers of this ideology, the Left says the authorities are conducting racist, xenophobic dragnets. Ditto such commonsense steps as increasing police and informant presence in communities known to be sympathetic to sharia supremacism.

Obviously, white supremacism can also instigate violence and create combustible situations in which violence is likely. Like sharia supremacism, though, its ideas are constitutionally protected, regardless of how offensive and dangerous they are. White supremacism is in disrepute on the Left in a way sharia supremacism is not, so more proactive policing would be tolerated. Yet there are steep challenges for investigators.

First, there are geometrically more white people than Muslims in America. And there is no broadly influential white-supremacist ideology that promotes violence. To be clear, I am not saying there are no cult ideologies that preach racial violence (nor that such ideologies are limited to Caucasian cults). I am simply saying that none of these eccentric creeds is as academically rooted, religiously powerful, and widely accepted as sharia supremacism. To the contrary, white supremacism is explicitly reviled by the majority white mainstream of American (and Western) societies in a way that sharia supremacism is not by mainstream Islam. Islamic reformers take their lives in their hands; by contrast, college professors who blame white supremacism for everything from poverty to bad weather are a dime a dozen.

So the percentage of white supremacists in the overall population is minute and diffuse. Of course, even a tiny percentage of a vast population can be — indeed, it is — a significant problem. The point in law-enforcement terms, though, is that it can be harder to pick out potential white-supremacist murderers. They are widely scattered needles in a vast haystack.

Furthermore, and this is key, white supremacists do not form up in large, highly competent organizations like al-Qaeda. As explained above, it is on such organizations that our investigators concentrate. Their recruiting and fundraising channels are an intelligence gold mine. Furthermore, their formal structures make it easier for prosecutors to bring conspiracy and material-support prosecutions that interrupt preparation before plots can mature into attacks.

White supremacists and the ragtag groups and sites to which they gravitate are not so readily mapped by investigators. To find and monitor white supremacists who are potential terrorists and mass murderers, we must use, and use more intensively, the very police tactics that the Left has spent a generation distorting as counterproductive overkill that shreds the Constitution and causes more violence.

This does not mean we have to write new criminal laws. We have a full arsenal. The federal statutes that target racketeering activity, which has a very broad definition, can be employed against any “association in fact.” We also have very elastic federal laws targeting violent gang activity and other conspiracies. There are no domestic groups, no matter how small and disorganized, that we cannot surveil, aggressively investigate, and prosecute under existing law if they are linked to violence and preparations for violence. Current law allows us to do all the intelligence gathering that is necessary — if a Gambino-family soldier knocks heads to collect a loan-shark debt at 10:00, the NYPD and FBI have good-enough informant networks that they often know about it by 10:15.

What is required, however, is the will to do a full-court press. White supremacists tend to strike as loners, not as operatives of an organization; but there are social-media communities and other meeting places to which they gravitate. We have to set aside the reluctance to monitor the resulting communications and associations for intelligence purposes.

If a person is a white supremacist, that implies a hostility to our societal order and sympathy for racist brutality. To cite the obvious example, the online message board 8chan, on which the El Paso white-supremacist terrorist

posted his manifesto, often lionizes Dylann Roof, the infamous white supremacist who carried out the Charleston church massacre. No, being a white supremacist and associating with white supremacists are not, by themselves, grounds for prosecution; but they are constitutionally sufficient grounds for police suspicion. They warrant investigation. It has always been permissible to use beliefs, associations, and speech for evidentiary purposes in criminal investigations. This is not criminalizing constitutionally protected ideas; it is investigating to prevent the violent crimes to which aggressively hateful ideas are known to lead.

The First Amendment protects a person's right to believe in white supremacy, to be a white supremacist, to associate with other white supremacists, and to discuss their repulsive beliefs. Yet, the Constitution does not require police — or the rest of us — to blind ourselves to the nexus between ideology and violence.



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