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Written testimony of

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Confronting White Supremacy (Part II):  
Adequacy of the Federal Response

Before the U.S. House of Representatives  
Oversight and Government Reform Committee  
Civil Rights and Civil Liberties Subcommittee

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## Introduction

Chairman Raskin, Ranking Member Roy, and members of the Subcommittee, thank you for inviting me to testify on the adequacy of the federal response to the ongoing threat posed by violent white supremacy. I am Brette Steele, Director of Prevention and National Security at the McCain Institute at Arizona State University, and I am honored to appear before you today.

When a professed white supremacist intentionally drove his car through a crowd of peaceful protesters in Charlottesville, Virginia,<sup>1</sup> killing one and wounding nearly 30 others, Senator John McCain called on all Americans to “unite against hatred & bigotry.”<sup>2</sup> I joined the McCain Institute this January to help achieve Senator McCain’s vision and to build capacity for whole-of-society approaches to prevent hate and targeted violence. Before joining the Institute, I coordinated terrorism prevention initiatives for the U.S. Department of Justice, served as Deputy Director of the Countering Violent Extremism Task Force during the last two administrations, and served as Regional Director of the U.S. Department of Homeland Security’s Office of Terrorism Prevention Partnerships<sup>3</sup> in California.

My testimony today will focus on three critical areas where I believe improvements are necessary and achievable if Congress is committed to rooting out the scourge of hate-driven violence in our country. We must invest in prevention by adequately resourcing federal government efforts and supporting community partners. We must also improve federal hate crimes reporting. Finally, Congress has the ability to empower law enforcement to tackle this problem head-on and call this scourge by its proper name by creating a federal domestic terrorism charge.

## Invest in Prevention

The U.S. Department of Homeland Security’s newly announced Office of Targeted Violence and Terrorism Prevention faces dual pressures of an expanding mandate and shrinking resources. As George Selim testified before this Subcommittee on May 15, 2019, its predecessor Office once managed \$10 million in grant funding, 16 full time employees, 25 contractors, and a total budget of approximately \$21 million.<sup>4</sup> Two years and two reorganizations later, the Department expanded the Office’s mission from fostering terrorism prevention partnerships to targeted violence and terrorism prevention.

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<sup>1</sup> Press Release, U.S. Department of Justice, Ohio Man Pleads Guilty to 29 Federal Hate Crimes for August 2017 Car Attack at Rally in Charlottesville (Mar. 27, 2019), <https://www.justice.gov/opa/pr/ohio-man-pleads-guilty-29-federal-hate-crimes-august-2017-car-attack-rally-charlottesville>.

<sup>2</sup> John McCain (@SenJohnMcCain), Twitter (Aug. 12, 2017, 4:36 PM).

<sup>3</sup> The U.S. Department of Homeland Security renamed the Office of Terrorism Prevention Partnerships the Office of Targeted Violence and Terrorism Prevention. Press Release, U.S. Department of Homeland Security, Acting Secretary McAleenan Announces Establishment of DHS Office for Targeted Violence and Terrorism Prevention (Apr. 19, 2019), <https://www.dhs.gov/news/2019/04/19/acting-secretary-mcaleenan-announces-establishment-dhs-office-targeted-violence-and>.

<sup>4</sup> *Confronting White Supremacy (Part I): The Consequences of Inaction Before the H. Comm. on Oversight and Reform*, 116<sup>th</sup> Cong. (2019) (statement of George Selim, Senior Vice President of Programs, ADL).

The U.S. Secret Service defines targeted violence as “an incident where a known or knowable attacker selects a particular target prior to their violent attack.”<sup>5</sup> This definition is broad enough to include not only terrorism but also school shootings, workplace violence, and other active shooter incidents. While I recognize the value in broadening the scope of violence prevention efforts, the Office must now handle a substantially larger mission with no grant funds, no contractors, and no other means of supporting existing programs beyond a team of eight dedicated, full time employees and an operating budget of \$2.6 million.<sup>6</sup> The staffing and budget levels are woefully inadequate to meet the expanded mission.

We positioned the McCain Institute to fill in gaps in the federal prevention infrastructure. For example, the federal government launched the Peer-to-Peer: Challenging Extremism university program in 2015. The Peer-to-Peer Program was a public-private sector partnership led by the National Security Council, U.S. Department of Homeland Security, U.S. Department of State, the National Counterterrorism Center, and Facebook.

The Peer-to-Peer program empowers university students to counter extremism and hate, including white supremacy, through the development and deployment of dynamic campaigns. University teams work with a faculty advisor to research the target market and create a strategy designed to best reach and influence their peers. Each team receives a modest budget to produce a real campaign with measurable results. Finally, the top three teams compete to win scholarship awards up to \$5,000.

Past Peer-to-Peer campaigns included over 10,000 student participants in 75 countries and 40 U.S. states and reached over 230 million people via social media campaigns, campus movements, mobile apps, cultural activities, videos, and more. An ongoing study by the Harvard School of Public Health found that four out of ten young people have experienced unsafe situations online and the Peer-to-Peer programs reduced exposure to hate messages in the school environment and improved attitudes of tolerance.

Since the spring of 2017, the federal government has failed to find the resources for universities here in the United States to participate in this low-cost, high-impact program. The McCain Institute and Arizona State University will relaunch this proven program as the Peace Mavericks Peer-to-Peer Challenge in January 2020.

The McCain Institute also continues to explore emerging partnerships with a diverse array of nonprofits committed to preventing targeted violence. For example, the McCain Institute plans to build a national network of practitioners who will share promising practices, develop evidence-informed guidelines, and incubate innovative strategies for preventing hate and targeted violence throughout the country. We embarked on this initiative after encountering an increasing number of local nonprofits that recognize the need to prevent hate and targeted violence in their communities without knowing where to start. Local efforts often end up

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<sup>5</sup> Diana A. Drysdale, William Modzeleski, & Andre B. Simons, *Campus Attacks: Targeted Violence Affecting Institutions of Higher Education*, U.S. Secret Service, U.S. Dept. of Education, & FBI (Apr. 2010), <https://www.secretservice.gov/data/protection/ntac/CampusAttacks041610.pdf>

<sup>6</sup> *Confronting White Supremacy (Part I): The Consequences of Inaction Before the H. Comm. on Oversight and Reform*, 116<sup>th</sup> Cong. (2019) (statement of George Selim, Senior Vice President of Programs, ADL).

recreating the wheel or adopting less effective strategies because they lack access to cutting-edge research or the experiences of others. Through these initiatives, the McCain Institute hopes to realize Senator McCain's vision and build the capacity of local nonprofits to work together to prevent hatred and bigotry.

Despite the expanding role of civil society in preventing hate and terrorism, the federal government remains best positioned to fund scalable programs and coordinate technical assistance. Many local prevention initiatives require strategic and sustained federal investment to take promising programs to scale. These initiatives must also be subject to rigorous, independent evaluation, so we can identify evidence-informed practices and understand how to mitigate the impact of unintended consequences. As the investment in program evaluation develops, the government is also best positioned to fund technical assistance to local community-led initiatives. This technical assistance ensures that programs implement evidence-informed practices and ample privacy and civil liberties protections.

Congress, through its oversight function, should require the Departments of Education, Health and Human Services, Homeland Security, Justice, Labor, and the National Counterterrorism Center to develop an interagency strategy and implementation plan to prevent all forms of targeted violence, including violent white supremacy. In order to facilitate faithful implementation of that strategy, Congress should codify the duties, functions, and reporting requirements of an Office for Targeted Violence and Terrorism Prevention. The Office should be tasked with (1) establishing a grant program for locally-led initiatives to prevent targeted violence; (2) funding independent academic evaluation of representative grant projects; and (3) expanding technical assistance to local community-led initiatives to ensure that programs are evidence-informed and protective of privacy and civil liberties. These critical functions require line-item funding and should not be left to the discretion of Department and Agency leadership.

### **Improve Hate Crime Reporting**

Even with expanded investment in targeted violence prevention initiatives, unaddressed hate will continue to fester into hate crimes. The FBI collects and compiles hate crime statistics from state and local law enforcement agencies through the Uniform Crime Reporting Program.<sup>7</sup> Currently, state and local law enforcement agencies may choose whether to participate in the Uniform Crime Reporting Program, and the accuracy of the data depends on the voluntary choices of roughly 18,000 different state and local law enforcement agencies.

The FBI received reports of 7,175 hate crimes from 16,149 local law enforcement agencies in 2017.<sup>8</sup> Meanwhile, the U.S. Department of Justice's Bureau of Justice Statistics estimated that U.S. residents experienced an average of 204,600 hate crime victimizations each year between 2013 and 2017.<sup>9</sup> While only 101,900 victims of the 204,600 average hate crime victimizations reported the perceived crimes to law enforcement, the FBI's Uniform Crime

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<sup>7</sup> FBI, Hate Crime Statistics, <https://www.fbi.gov/services/cjis/ucr/hate-crime>.

<sup>8</sup> FBI, 2017 Hate Crime Statistics Released (Nov. 13, 2018), <https://www.fbi.gov/news/stories/2017-hate-crime-statistics-released-111318>.

<sup>9</sup> Barbara Oudekerk, Hate Crime Statistics: Briefing prepared for the Virginia Advisory Committee (Mar. 29, 2019), <https://www.bjs.gov/content/pub/pdf/hcs1317pp.pdf>.

Reporting Program still captures less than 10% of the perceived hate crimes reported to state and local law enforcement.<sup>10</sup> The huge discrepancy between statistics reported by two components of the U.S. Department of Justice calls the validity of the FBI statistics into question.

In order for Congress to align resources with the size of the threat, accurate data is needed. The government should establish and support campaigns to encourage hate crime reporting in communities most impacted by hate. Congress should also require the FBI to better train local law enforcement on investigating and reporting hate crimes. Finally, Congress should consider mandating hate crime reporting for law enforcement agencies that receive federal funds. As the reliability of hate crime data improves, the resources allocated to prevention, investigation, and prosecution of hate crimes should follow.

### **Create Domestic Terrorism Charge**

Compared with most violent crime, terrorism occurs with low incidence and high impact. When violent white supremacists shoot and kill six congregants of a Sikh Gurdwara in Oak Creek, Wisconsin;<sup>11</sup> nine congregants of an African Methodist Episcopal church in Charleston, South Carolina;<sup>12</sup> and 11 congregants at a Jewish synagogue in Pittsburgh, Pennsylvania;<sup>13</sup> the terror experienced by worshippers across the country extends far beyond those directly threatened by violence.

These acts of extreme violence meet the statutory definition for domestic terrorism.<sup>14</sup> Unfortunately, the United States Code establishes a two track system for domestic terrorism and international terrorism. While the Code contains definitions of both domestic and international terrorism,<sup>15</sup> the enforcement statutes almost exclusively focus on international terrorism.<sup>16</sup> This gap in available charges leads to different results depending on the allegiances of the attacker.

As former Acting Assistant Attorney General Mary McCord has argued, the individuals who pledged allegiance to ISIS before using assault rifles to kill 14 people in San Bernardino could have faced “a panoply of international terrorism offenses” if they survived.<sup>17</sup> But the Tree of Life assailant who posted white supremacist tropes on Gab before using an assault rifle and other firearms to kill 11 people in Pittsburgh cannot be charged with domestic terrorism. “Use of a firearm to kill and injure is not itself a federal crime of terrorism if done with intent to intimidate or coerce in furtherance of a domestic extremist cause like white supremacy, rather

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<sup>10</sup> *Id.*

<sup>11</sup> *Sikh temple shooting suspect Wade Michael Page was white supremacist*, CBS NEWS (Aug.6, 2012), <https://www.cbsnews.com/news/sikh-temple-shooting-suspect-wade-michael-page-was-white-supremacist/>.

<sup>12</sup> Merrit Kennedy, *Dylann Roof Pleads Guilty To State Murder Charges For Charleston Church Attack*, NPR (Apr. 10, 2017), <https://www.npr.org/sections/thetwo-way/2017/04/10/523279175/dylann-roof-pleads-guilty-to-state-murder-charges-for-charleston-church-attack>.

<sup>13</sup> Campbell Robertson, Christopher Mele and Sabrina Tavernise, *11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts*, THE NEW YORK TIMES (Oct. 27, 2018), <https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>

<sup>14</sup> 18 U.S.C. § 2332(5).

<sup>15</sup> 18 U.S.C. § 2332.

<sup>16</sup> Mary B. McCord, *It's Time for Congress to Make Domestic Terrorism a Federal Crime*, Lawfare (Dec. 5, 2018), <https://www.lawfareblog.com/its-time-congress-make-domestic-terrorism-federal-crime>.

<sup>17</sup> *Id.*

than a foreign extremist cause.”<sup>18</sup> Similarly, use of a vehicle to kill and injure peaceful protestors as we saw in Charlottesville is “not a federal crime of terrorism when done to further a domestic extremist cause,” but it could be prosecutable as international terrorism if done in the name of ISIS.<sup>19</sup>

Individuals who commit violent acts that violate criminal laws with an intent to intimidate or coerce a civilian populations should qualify for a charge of terrorism regardless of which violent ideology inspires them. The American people deserve parity in our rhetoric, resources, and response, and Congress should take the first step towards parity by creating a criminal offense for domestic terrorism.

## **Conclusion**

Congress must invest in scaling up local efforts to prevent targeted violence; improve reporting of hate crimes; and establish parity in terrorism charges. Thank you for affording me the opportunity to discuss these important, concrete steps that the federal government and Congress must undertake in order to effectively confront and defeat the ongoing threat posed by violent white supremacy. I look forward to answering any questions this Subcommittee may have.

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*