

Testimony of Ellen F. Rosenblum
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Submitted to the hearing entitled “Confronting Violent White Supremacy (Part V):
Examining the Rise of Militia Extremism”
Subcommittee on Civil Rights and Civil Liberties
Committee on Oversight and Reform
United States House of Representatives
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2:00 p.m. ET

Chair Raskin, Ranking Member Sessions, and Members of the Subcommittee, thank you for the invitation to submit written testimony on this matter of fundamental importance to our democracy. I submitted similar testimony in March to the Subcommittee on Intelligence and Counterterrorism of the Homeland Security Committee. I greatly appreciate that your Subcommittee is also looking at this problem.

As you undoubtedly know, Oregon has been the site of significant unrest perpetrated by members of the Proud Boys, Patriot Prayer, III%ers, Boogaloo Bois and similar groups. Many of these encounters have become violent.

Last July, for example, in Springfield, Oregon, racial justice protesters were met with armed counter-protesters. The same thing happened in August, in nearby Eugene, where some counter-protesters made Nazi salutes and a protester was assaulted; the incident was captured on live-stream video.

A Portland-area caravan demonstration in August included members of several of these groups. Participants used pepper spray, fired paintballs, and intentionally drove trucks into crowds. The following week, the same groups, armed with rifles, batons, and tear gas, rallied around the state capitol in Salem. Once again, violence ensued.

Then, on December 21st, the Oregon State Capitol was breached. Violent radicals damaged property, fought with police, and deployed pepper spray. Fortunately, their incursion was relatively contained, and no one was seriously hurt or killed. Five participants have been charged with felonies, and State Representative Mike Nearman has been criminally charged in connection with the attack.

Just a couple of weeks later, as we all know, an insurrectionist mob invaded the US Capitol, causing death and destruction. Many of the groups active in Oregon played key roles in organizing and carrying out this attack. And on March 16, two Oregon brothers — Jonathanpeter Allen Klein, 21, and Matthew Leland Klein, 24 — were indicted in Washington, D.C., on six charges related to the insurrection. They had previously participated in violent, far-right protests here in Oregon, in Salem and in Portland, months before travelling to our nation’s capital.

It is imperative that we respond effectively to these assaults. The groups involved are actively trying to stifle the First Amendment rights of others — and to deprive us of our collective

right to govern democratically. What they cannot accomplish at the polls, they intend to accomplish through violence and intimidation.

Law enforcement has too often seemed unprepared for the threat posed. Indeed, the insurrection at the U.S. Capitol was successful even though the desire to interfere with the certification of the electoral vote had been loudly trumpeted in advance, and even though federal law enforcement agencies clearly understood right-wing extremism was our country's most pressing domestic security threat.

The ongoing FBI investigation into the events of January 6 hopefully signals that federal law enforcement fully appreciates it must anticipate, respond vigorously, and curtail this serious threat. Charges filed to date provide a basis to stay optimistic. I am also pleased that many states are seeing the need to act, as we have here in Oregon in the wake of our own mini-insurrection last December.

Related to this, I believe that we at the state level have several under-utilized enforcement tools to evaluate. Every state, for example, has statutes prohibiting unlawful paramilitary activity. Oregon prohibits assembling to train with firearms or other weapons with the intent to use those weapons in civil disorder. Yet such laws have essentially lain dormant. In my state, it appears the crime has never been charged. But surely these groups are engaging in at least some coordinated training efforts.

In addition, there are criminal laws that prohibit the use of force or intimidation to disrupt the administration of government. Again, it is not clear that such crimes are being charged, even when groups are acting with express intent to impede institutions that they don't agree with. Prosecutorial decisions can be difficult, and more familiar crimes like assault and trespass certainly should be prosecuted. But whenever possible, prosecutors should send a clear message that personal political views do not convey any license to violently impede our government.

The final point I want to make today about enforcing the law against militia groups is that organized criminal enterprises are prohibited at both federal and state levels. Indeed, anti-racketeering statutes provide civil remedies — as well as the potential for criminal prosecution. Although the direct motivation behind the violence committed by these organizations purports to be political, rather than economic, laws against organized crime may still prove to be useful tools. These groups are certainly organized, and patterns of criminality are not hard to see. My office is looking carefully at how these laws can be used to address this threat.

Although I am optimistic states will be able to use existing laws against these organizations with some success, Congressional attention to this problem is vital. For one thing, the fact that state tools exist does not necessarily mean they will prove sufficient to eliminate the problem of organized, politically motivated extremist violence. Indeed, these groups clearly plan and organize across state lines, complicating state enforcement efforts and making them appropriate subjects of federal enforcement. In addition, the events of January 6 make it obvious that our federal government is a key target — perhaps *the* most important target — for these groups. A robust federal response would significantly aid efforts to hold them accountable in Oregon and other states.

Federal leadership, federal resources, and strong state-federal partnerships all will be necessary as we move to protect our republic from extremist organizations.

I believe the hearings in this Committee today represent an important step toward preserving our representative government against those who want to use violence and intimidation to subjugate democracy. I thank you for joining that work, and I thank you again for inviting me to submit testimony. I look forward to continuing this conversation with the Committee and its members.