

Congress of the United States

House of Representatives

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Opening Statement

Subcommittee Chairman Jamie Raskin

Hearing on “Confronting White Supremacy (Part I): The Consequences of Inaction.”

Subcommittee on Civil Rights and Civil Liberties

May 15, 2019

That terrifying trauma shook Charlottesville and the nation two years ago, but did you know that it does not appear in the 2017 FBI Hate Crime Statistics Report? None of the violence which took place on television before a horrified nation even made it as a statistic into our national record of hate crimes. Not the horrifying murder of Heather Heyer, which galvanized America against resurgent violent white supremacy, nor the at least 30 other assaults committed by the neo-Nazis and Klansmen who converged on Charlottesville. Why not? Charlottesville only reported one hate crime in 2017, but it occurred four months later. Why did this festival of racial terror and hate crimes not make it into the FBI Hate Crime Statistics Report? That is one of the questions we seek to answer today about a serious threat to civil rights, domestic tranquility and the general welfare.

Today is the Subcommittee’s first hearing on how America is responding to and addressing the rise of a particular form of domestic terrorism: violent white supremacy.

Our purpose is to examine the scope and nature of white supremacist terror, understand the problems the government has in collecting relevant data about it, analyze what the FBI and Department of Homeland Security are doing and should be doing to address it, and whether the Administration is devoting attention and resources commensurate to the magnitude of the threat.

The Subcommittee will have a second hearing next month with officials from the FBI and the Department of Homeland Security because we need to hear detailed answers to all of these questions directly from them and they have asked for more time to prepare their answers.

The first question we are pursuing is what is the nature and scope of the problem we face. The FBI Hate Crimes Statistics are considered unreliable by many experts and substantially undercount the real number of hate crimes committed in the U.S. From 2013 to 2017, the FBI reported on average 7,500 hate crimes each year, but during that same time, the Bureau of Justice Statistics’ National Crime Victimization Survey estimated on average 200,000 hate crimes annually. What accounts for this disparity?

We want to hear about the problems affecting the reporting system. The process for data collection seems to break down at almost every level. Many hate crime victims do not trust law enforcement enough to report incidents in the first place. Then, even among the hate crimes that are reported to local and state law enforcement authorities, thousands of them are never reported

to the FBI. State and local law enforcement reporting to the FBI is purely voluntary. Not all law enforcement agencies participate and, of those that do, only 12% reported any hate crimes at all in 2016. In 2017, the state of Mississippi only reported 1 hate crime and Alabama reported 9 hate crimes. We had hundreds of hate crimes in my home state of Maryland last year, so it would be startling if there were only one in Mississippi. We know from the work of civil rights groups and local reporting that these numbers are simply not accurate.

Amazingly, the FBI fails to include its own internal hate crime statistics into their official statistics, citing “technical limitations” that won’t be resolved until 2021. That’s pretty remarkable.

Beyond the methodological and statistical problems besetting the information-gathering process, we also face a serious problem properly conceptualizing and naming the problem. When Dylann Roof, a 21-year old white supremacist, murdered nine African-American worshipers during a prayer service at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina on June 17, 2015, do we classify this explosion of violence as “domestic terrorism” or do we call it simply a “hate crime” and hope it makes its way on to the elusive FBI Hate Crime Statistics list? When a violent right-wing anti-Semite entered the Tree of Life synagogue in Pittsburgh during Shabbat morning services and murdered 11 people in the most deadly attack on the Jewish community in U.S. history, do we classify this explosion of violence as “domestic terrorism” or call that a “hate crime” and hope that it makes its way onto the FBI Hate Crimes Statistics List?

This is not merely a matter of semantics, although it is important to call things what they are: the innocent civilians murdered in these attacks were definitely the victims of terrorism. But this question of classifying white supremacist violence also has significant implications for resource allocation and the seriousness with which the government address the problem. The FBI calls protecting the U.S. against terrorist attacks the Bureau’s “number one priority.”

FBI policy instructs agents to open a parallel “domestic terrorism” investigation whenever a suspect in a hate crimes investigation “has a nexus to any type of white supremacist extremist group.” But often this step is never taken.

It is very important that we develop some objective categories and definitions so our classification of events has coherence and integrity.

The FBI called the December 2, 2015 attack on the Inland Regional Center in San Bernardino County, which killed 14 people, “domestic terrorism,” and definitely it was. The FBI called the June 12, 2016 Pulse nightclub mass shooting in Florida, which took the lives of 49 Americans, “domestic terrorism,” and definitely it was.

But the FBI did not call the deadly white supremacist attacks and mass shooting at Mother Emanuel AME Church in Charleston or at the Tree of Life Synagogue “domestic terrorism.” It did not call the deadly violence in Charlottesville “domestic terrorism.” But why not?

Surely it cannot be because the perpetrators in San Bernardino County, Syed Rizwan Farook and Tashfeen Malik, were non-white Muslims and that the perpetrator in Orlando, Omar Mateen, was a non-white Muslim, while the murderers in Charleston, Pittsburgh, and Charlottesville were Dylann Roof, Robert Gregory Bowers, and James Alex Fields, all white males. This kind of categorization would obviously violate our essential constitutional values. The racial or religious identity of the perpetrator cannot define the character of the crime: all of the victims of all of these crimes perished because the killers wanted to destroy life based on racism, homophobia, religious hatred or other forms of group bias. Surely all of the victims died in terrorist violence

But then what explains the FBI labeling the San Bernardino attack domestic terrorism but not the attacks in Charleston and Pittsburgh?

Whatever its cause, this dilution and disorientation of the concept of terrorism has important resource and budgetary implications. According to the Anti-Defamation League, Islamic extremism, which the FBI classifies as a form of international terrorism, was responsible for 23% of the extremist murders we saw in the United States from 2009 to 2018. Far-right extremism, or what the FBI theoretically classifies as domestic terrorism, was responsible for 73% of the fatalities caused by extremist violence during that same period.

Yet, the FBI devotes its resources almost exactly backwards to these proportions. The FBI apparently spends 80% of its resources addressing international terrorism and only 20% addressing domestic terrorism.

Why is that?

Despite all of the problems causing the massive undercount of white supremacist violence, the data still shows us that hate crimes are sharply on the rise in recent years. Last year, the FBI reported over 7,000 hate crime incidents in 2017, a 17% increase from the previous year and a 31% increase over 2014. During those same four years, hate crimes against African Americans rose by 20%. Anti-Semitic hate crimes rose by 35%, anti-Latino hate crimes rose by 43%, and Anti-Muslim hate crimes rose by 44%.

The Trump Administration is not correctly naming the problem and it is not aggressively addressing the problem.

The Department of Homeland Security appears to be mismanaging the available resources. The Trump Administration dismantled DHS' infrastructure to counter violent extremism and white supremacy. Under the Obama Administration, the Department created an Office of Community Partnerships, which administered grants to local community organizations and partnered with law enforcement. Partnerships with local groups is considered by experts to be one of the most effective ways to prevent radicalization because many communities do not trust their local law enforcement.

The Trump Administration rescinded the grants awarded under the Obama Administration to organizations working to counter white supremacist extremism. Recent news reports indicate that after this year, DHS will dismantle the grant program altogether. DHS also renamed the Office

of Community Partnerships “Office of Terrorism Prevention Partnerships” in August 2017 and renamed it a second time to “Targeted Violence and Terrorism Protection” in April 2019. This reflects the Administration’s shift away from prevention and only to law enforcement. In the prior administration, the office had 16 full time employees, 25 contractors, and a budget of \$21 million, but the Trump Administration has reduced it to 8 employees and a budget of \$3 million.

The Obama Administration’s DHS also established an interagency Countering Violent Extremism Task Force which included the FBI, the National Counterterrorism Center, and the Departments of Justice, Education, and Health and Human Services. It was disbanded under the Trump Administration and now exists in name only.

Recently, it was reported that the Department of Homeland Security’s Office of Intelligence and Analysis (I&A) disbanded a group of analysts focused on domestic terrorism, which reduced the number of analytic reports on white supremacists. Step by step, DHS has simply dismantled the infrastructure necessary to counter the threat at precisely the time when the threat is growing to levels we have not seen in years.

Real Americans are being killed in their churches, mosques and synagogues. Racial and religious mass killings inspired by white supremacy and other forms of tribal and religious hatred, are a plague on the earth, and American society is suffering along with the rest of the world.

It is the primary goal of government under our social contract to make us safer than we would be in a state of war and anarchy. Yet, when it comes to white supremacist terror—the single greatest domestic terrorist threat to the American people—we are clearly falling down on the job. As I mentioned at the outset, this will not be the only hearing on white supremacist terror. We will have the agencies here in June to address these same issues. In the meantime, I look forward to hearing from each of these expert witnesses today on what the Department of Homeland Security and the FBI should be doing to combat this pernicious terror in the land.

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