



January 15, 2020

Chairman Max Rose
Ranking Member Mark Walker
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Rose and Ranking Member Walker:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we submit this letter for the record with regard to the *Confronting The Rise In Anti-Semitic Domestic Terrorism* hearing. The Leadership Conference strongly condemns the recent string of anti-Semitic targeted attacks and killings and the impact of these and other heinous attacks on both the Jewish community and other communities of faith. No one in this country should feel unsafe when they are practicing or living their faith.

The Leadership Conference urges members to continue to host hearings and for committee staff to provide member level briefings to provide a better sense of the landscape of hate, including the need to elevate the fight against White Supremacy. These hearings and briefings should feature those communities that are experiencing hate incidents and must be conducted in a way that does not further bigotry. These hearings should study the factors driving the rise in anti-Semitic violence and violence targeting other marginalized communities, provide recommendations for Congress, examine efforts being undertaken by federal, state, and local officials, and determine additional necessary efforts, all from the vantage point of key experts.

As Members of Congress respond to anti-Semitic and White Supremacist violence, Congress should use its oversight and appropriations powers to demand that federal agencies make public how it is using its resources to fight White Supremacist violence. We also encourage you to implement common sense legislation that will not target communities of color and marginalized religious groups but will reveal problems these communities are facing and uplift appropriate solutions. Congress should work with marginalized communities in crafting solutions to White Supremacist violence by consulting these voices through meetings with relevant stakeholders and oversight committees, and through conducting investigative and field hearings.

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Acts of hate devastate individuals and they target, divide, and destabilize entire communities, sending a message that some of us are not welcome. Divisive rhetoric and discriminatory policies that cast wide aspersions on immigrant, Jewish, Muslim, and other marginalized communities have heightened concerns that our country is increasingly legitimizing or normalizing hate. Legislators need to continue to counteract the rise of White Supremacist violence and the increase of hate crimes in this country. Some have proposed to do this by expanding the concept of domestic terrorism, including a new criminal charge which is the solution. Domestic terrorism bills and other pieces of legislation that can be used as a vehicle to target marginalized communities, manufacturing threats that do not exist do nothing to address the rise in hate violence.¹ A recent intelligence assessment from the FBI's Counterterrorism Division defines so-called "black identity extremists" as a movement threatening national security instead of an activist group combatting injustice.² Members of Congress should not reinforce counterterrorism policies, programs, and frameworks that have inherent flaws rooted in bias, discrimination, and denial or diminution of fundamental rights like due process. Congress must look closely at measures purporting to address domestic terrorism in light of its harmful history and protect, rather than further harm, marginalized communities.

Congress can protect all communities by passing pertinent legislation to strengthen existing laws related to hate violence. We applaud the House of Representatives for passing the Domestic Terrorism DATA Act (H.R.3106), which provides Congress information about the federal government's approach to counterterrorism, and we encourage the Senate to take up this important legislation. In addition, Congress should pass the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act (Jabara-Heyer NO HATE Act) (S.2043/H.R.3545) to incentivize accurate data collection; provide hotlines for reporting hate crimes; improve federal research; and strengthen requirements under supervised release.. Congress should also pass the Disarm Hate Act (H.R. 2708/S.1462), which will prevent those convicted of misdemeanor hate crimes from obtaining firearms; and the Domestic Terrorism Prevention Act, (H.R.1931/S.894) which will allow increased oversight of federal counterterrorism activities and requires DHS, DOJ, and FBI offices to focus their resources on the most significant domestic terrorism threats.

It is crucial that Congress remain vigilant in oversight and enacting laws that are purposeful, necessary, and do not negatively impact those communities already being victimized by White Supremacist violence. We thank you for holding this hearing, and we urge you to use your oversight authority to oppose any legislation that would enact a new federal crime of domestic terrorism given the potentially devastating effect on marginalized communities. If you have any

¹ See Brennan Center, *Countering Violent Extremism in the Trump Era*, Jun. 2018, which discusses investigating so-called "black identity extremism" as a domestic terrorist threat.

<https://www.brennancenter.org/analysis/countering-violent-extremism-trump-era>

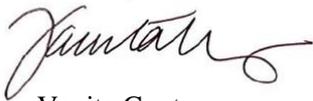
² Jana Winter, Sharon Weinberger, *The FBI's New U.S. Terrorist Threat: 'Black Identity Extremists'* (October 6, 2017) available at <http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists>.

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questions, please contact Tamara E. Chrisler, Interim Executive Vice President of Government Affairs, at chrisler@civilrights.org or 202-466-3311.

Sincerely,



Vanita Gupta
President & CEO