



September 6, 2019

## **OPPOSE A NEW FEDERAL DOMESTIC TERRORISM CRIME**

Dear Senator:

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 write to urge you to oppose legislation that would create a new federal crime of domestic terrorism.

As Members of Congress return to session and focus on responses to white supremacist violence, we encourage you to implement common sense legislation that will not target communities of color and marginalized religious groups.

Congress should not enact any laws creating a new crime of domestic terrorism, including the Confronting the Threats of Domestic Terrorism Act (H.R. 4192) and a [draft bill](#) expected to be introduced in the Senate “to penalize acts of domestic terrorism.” We believe these bills and others with similar provisions being drafted are the wrong approach because they could be used as a vehicle to target marginalized communities, manufacturing threats that do not exist.<sup>1</sup> 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. Instead, Congress must work with marginalized communities in crafting solutions to white supremacist violence.

The federal government has no shortage of counterterrorism powers, and these powers have been used to unjustly target American Muslim, Arab American, South Asian American, African American communities and those who fight for racial and social justice.<sup>2</sup> The creation of a new federal domestic terrorism crime ignores this reality and does nothing to address the problem of gun violence and hate violence incidents in this country.

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 and Congress must pass pertinent legislation to strengthen laws related to hate violence in this country. We support the Domestic Terrorism DATA Act (H.R.3106), which provides Congress information about the federal government’s approach to counterterrorism, including data on investigations and prosecutions. Congress should pass the Domestic Terrorism DATA Act to better understand acts of domestic terrorism and ensure that law enforcement

---

<sup>1</sup> 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>

<sup>2</sup> See MLK and the FBI: 50 years on, secrets and surveillance still, The Hill, Apr. 2019. <https://thehill.com/opinion/civil-rights/436437-mlk-and-the-fbi-50-years-on-secrets-and-surveillance-still>



stops discriminating in how resources are allocated when enforcing existing laws.<sup>3</sup> 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; encourage law enforcement agencies to adopt hate crime policies that assist law enforcement with federal research; and permit courts to require individuals convicted under the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act to participate in community service or educational programs as a condition of supervised release. We also support the Disarm Hate Act (H.R. 2708/S.1462), which will prevent those convicted of misdemeanor hate crimes from obtaining firearms.

The Leadership Conference applauds the House of Representatives for holding hearings during this Congress in its efforts to elevate the fight against white supremacy. We encourage the Senate to do the same. These hearings should feature those communities that are experiencing hate incidents and must be conducted in a way that does not further bigotry.

Divisive rhetoric and discriminatory policies that cast wide aspersions on immigrant, Muslim, and other marginalized communities have heightened concerns that our country is increasingly legitimizing or normalizing hate. We call on every Member of Congress to call these acts of white supremacist violence exactly what they are. It is critical that Congress remain vigilant in only enacting laws that are purposeful, necessary, and do not negatively impact those communities already being victimized by white supremacist violence. We urge you to oppose any legislation that would enact a new federal crime of domestic terrorism given the potentially devastating effect on marginalized communities. We also urge you to pass the Domestic Terrorism DATA Act, the Jabara-Heyer NO HATE Act, and the Disarm Hate Act. If you have any questions, please contact Tamara E. Chrisler, Managing Director of Policy, at [chrisler@civilrights.org](mailto:chrisler@civilrights.org) or 202-466-3311.

Sincerely,

Vanita Gupta  
President & CEO

---

<sup>3</sup> Austin Jr., Roy L. & Clarke, Kristen, Creating a domestic terrorism crime would actually hurt communities of color, *Washington Post*, Aug. 2019  
[https://www.washingtonpost.com/opinions/domestic-terrorism-doesnt-need-to-be-a-chargeable-offense-we-already-have-powerful-hate-crime-laws/2019/08/26/14c6f354-c4eb-11e9-b72f-b31d77212\\_story.html](https://www.washingtonpost.com/opinions/domestic-terrorism-doesnt-need-to-be-a-chargeable-offense-we-already-have-powerful-hate-crime-laws/2019/08/26/14c6f354-c4eb-11e9-b72f-b31d77212_story.html)