

SOUTHERN POVERTY LAW CENTER

THE JANUARY 6 INSURRECTION

AND THE PATH FORWARD
TO STRENGTHEN OUR
DEMOCRACY NOW



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Policy Recommendations to Confront
Violent Extremism and Protect our
Democratic Institutions

POLICY RECOMMENDATIONS TO CONFRONT VIOLENT EXTREMISM AND PROTECT OUR DEMOCRATIC INSTITUTIONS

The Jan. 6 insurrection at the Capitol, which destroyed property, injured dozens of officers and left five people dead, was a wake-up call to our nation. We cannot afford to ignore it – because the extremist ideologies, conspiracy theories and mendacious lies of a stolen election that fueled the attack are not going away. This attack made clear the urgent need to fortify and strengthen our democracy if it is to endure for generations to come. Below are a series of concrete recommendations to address both long-festering issues and those unearthed in the wake of the insurrection.

PROTECT DEMOCRACY AND RESTORE THE VOTING RIGHTS ACT

There can be no doubt that federal legislation is essential. The Voting Rights Lab has documented more than 2,700 elections bills introduced in the last year. According to the Brennan Center for Justice, 19 states have enacted 34 laws restricting voting access, including efforts to limit voting by mail, enacting barriers to registering new voters, establishing tougher voter identification laws, empowering partisan poll watchers and shifting election authority, which will make administration of elections more partisan. Every citizen deserves to be able to participate in our democracy and civic discourse without fear, intimidation or unnecessary barriers.

To defend our democracy, we must overcome the Senate gridlock and enact two bills that will stop the escalating attacks on voting rights and another measure that can help prevent election subversion in the future.

- ➔ The **John R. Lewis Voting Rights Advancement Act** would restore and strengthen provisions of the landmark 1965 Voting Rights Act weakened by recent U.S. Supreme Court decisions. The measure will restore federal oversight and ensure that all citizens can access the ballot box, particularly Black and Brown people who have been historically disenfranchised along with other marginalized communities.
- ➔ The **Freedom to Vote Act** would negate many of the recent state laws seeking to restrict voting and put an end to partisan redistricting. Partisan gerrymandering and the broad voter suppression laws that have been enacted in states across the country – particularly in the South – must be reversed to address the malicious lies about the security of our elections and safeguard the fair administration of our electoral process.

The U.S. House of Representatives has already passed both pieces of legislation, but the Senate is stuck because the Republican Party has refused to even allow debate on the need for these bills, much less a vote.

- ➔ There is increasing evidence that those involved in efforts to prevent certification of the 2020 election results on Jan. 6 were hoping to exploit vague and ambiguous provisions of the arcane Electoral Count Act of 1887. Congress should enact bipartisan legislation to raise the threshold for challenging Electoral College votes from the states and clarify that the vice president's role in the process is exclusively ministerial, with no authority to overturn election results.

SPEAK OUT AGAINST HATE, POLITICAL VIOLENCE AND EXTREMISM

Words matter, especially from our leaders. It is impossible to overstate the importance of elected officials, business leaders and military commanders using their public platforms to condemn the events of Jan. 6 – and the deeply anti-democratic ideology and extremism behind it. It must also be made clear to violent insurrectionists and those propagating white supremacist ideas that there is zero tolerance for political-based intimidation and violence.

Failure to do so emboldens extremists – as we saw dramatically demonstrated during the Trump administration. There is an urgent need for governors; mayors; police executives; federal, state and local legislators; and business and community leaders to speak out – and to act – against political violence and bias-motivated criminal activity.

HOLD THE PLANNERS AND PERPETRATORS OF THE JAN. 6 ATTACK ACCOUNTABLE

Those responsible for the deadly Jan. 6 insurrection – and elected officials who explicitly or subtly encouraged this political violence – must be held accountable and suffer real consequences. Anyone indulging conspiracy theories or engaging with movements that exploit bigotry to raise campaign dollars is complicit.

- ➔ Action by the House of Representatives to impeach former President Trump was absolutely necessary to protect the future of our democracy. The Senate should have had the courage and true patriotism to convict him and permanently disqualify him from holding future public office.

- ➔ The essential work of the House Select Committee to Investigate the January 6th Attack on the United States Capitol must be strongly supported. The committee’s findings and recommendations will be critical for lawmakers and the public to help understand the architects behind the Jan. 6 attack, how to hold those planners and perpetrators accountable, and necessary steps we must take to safeguard elections and our country’s democratic institutions.
- ➔ Congress should expel members found to have supported the insurrection and discipline all 147 senators and representatives who supported the baseless “Stop the Steal” lies by voting against Electoral College certification of President Biden’s victory.
- ➔ Members of Congress and other public figures involved in inciting and giving encouragement to the armed insurrectionists who stormed the U.S. Capitol on Jan. 6 should be permanently deplatformed from all social media.
- ➔ Corporations should permanently suspend political donations to members of Congress and other elected officials who helped incite the violent siege and request that any past political donations to their campaigns be returned.
- ➔ The federal government should continue to prosecute the organizers, financial backers and perpetrators involved in the deadly Jan. 6 insurrection at our Capitol to the fullest extent of the law.

Business leaders have a critical interest in speaking out to protect democracy and maintain the stability and inclusion that lead to prosperity for all. Escalating attacks on our democratic institutions are a threat to our long-term stability and economic growth. By coming together to denounce intimidation, political violence and restrictions on our access to voting, we can effectively counter bigoted and anti-democratic activity and recommit ourselves to building an inclusive democracy that reflects our shared values.

Together, these corporate leaders should:

- ➔ Support efforts to pass federal legislation to protect voting rights.
- ➔ Advocate for actions against voter suppression and in favor of broad ballot access for every eligible voter.

- ➔ Commit to withholding all forms of support, including campaign contributions, for political candidates who either actively support political violence, amplify those who do, or fail to promptly condemn political violence when it comes from their allies or supporters.

ACT TO PREVENT THIS FROM EVER HAPPENING AGAIN

Improve government response to domestic extremism

A March 2021 Intelligence Community Threat Assessment found that the two most dangerous threats to our nation are (1) white supremacist violent extremists and (2) anti-government violent extremists, including some militia groups. On June 15, 2021, President Biden released his National Strategy for Countering Domestic Terrorism. The strategy calls for improved coordination and information sharing among lead agencies to disrupt and deter violent extremism and more resources for governmentwide initiatives to confront white supremacy, hate crimes and anti-government violence. Importantly, one of the four pillars of the strategy is devoted to addressing long-term contributors to extremism, including efforts to address bigotry and systemic racism, advance equity and promote civics education and engagement.

- ➔ The Biden administration and Congress should continue to closely track and assess the nature and magnitude of the problem of domestic extremism and should fund resilience and digital literacy initiatives and government and academic research on best evidenced-based prevention programs.
- ➔ Congress should enact the Domestic Terrorism Prevention Act, which would establish offices within the Department of Homeland Security (DHS), the Department of Justice and the FBI to monitor, investigate and prosecute cases of domestic terrorism – and require these offices to regularly report to Congress. The legislation would also provide resources to strengthen partnerships with state and local law enforcement and community-based groups to confront far-right extremism.
- ➔ Congress should reject efforts to create a new criminal domestic terrorism statute – or the creation of a listing of designated domestic terrorist organizations, which could be weaponized against dissidents, communities of color or political opponents. Federal law enforcement authorities already have the tools and authority they need to effectively investigate and prosecute white supremacist and other domestic terror groups.

➔ The Biden administration and Congress should promptly implement the new COVID-19 Hate Crimes Act, and work urgently to close gaps in current hate crime data collection and response. We cannot address what we are not accurately measuring. The FBI’s annual Hate Crime Statistics Act (HCSA) report is the best snapshot of hate violence in the United States, but data received from the 18,500 federal, state, local and tribal law enforcement agencies is vastly underreported – in part because reporting is entirely voluntary. In 2020, 87% of police agencies across the nation either affirmatively reported that they had zero hate crimes or they did not report any data to the FBI at all, including some 70 cities over 100,000 in population.

Confront white supremacy and extremism in the military

The Justice Department has so far charged more than 700 individuals in connection with the Capitol breach. Disturbingly, more than 80 of the defendants charged in relation to the Jan. 6 attack on the U.S. Capitol have ties to the U.S. military – mostly veterans.

Military and civilian Pentagon leadership have been outspoken in addressing the issue seriously. In February, Secretary of Defense Lloyd J. Austin III ordered a departmentwide stand-down to educate personnel on the dangerous threat of extremist activity. In April, Austin established the Countering Extremist Activity Working Group (CEAWG) to study the issue and offer recommendations.

The Department of Defense must promptly implement the December CEAWG report commitments:

- ➔ Expanding and significantly clarifying existing prohibitions against advocating for, or involvement in, supremacist or extremist activity.
- ➔ Prohibiting intentional use of social media to promote or endorse extremist activities.
- ➔ Expanding screening, education and training to prevent recruitment of extremists into the military.
- ➔ Inoculating against radicalization for active-duty personnel.
- ➔ Updating standardized transition training for veterans reentering civilian life to include education against targeting by extremist groups and enhancing mechanisms for reporting any such outreach efforts.
- ➔ Expanding existing service prohibitions against the display of flags, clothing, tattoos and bumper stickers

– on or off a military installation – that support extremist groups and activities.

To complement these advances, the Department of Defense should:

- ➔ Develop evidence-informed trainings designed to inoculate against radicalization at entry, throughout one’s military career and for reentry into civilian life.
- ➔ Mandate more extensive data collection and reporting, including an annual climate survey on extremism and an annual report on prevention measures taken regarding white supremacist activity within the ranks.
- ➔ Expand protections for whistleblowers and reporting of extremist outreach and activities, including opportunities to report outside the chain of command.
- ➔ Immediately rename the 10 U.S. Army bases named for Confederate leaders. No American should train at a base named for individuals who fought against the United States for the right to enslave other people.
- ➔ The Pentagon, the Department of Veterans Affairs, veterans groups and other stakeholders must work together to design pre-retirement training to help veterans understand that they may be targeted for recruitment by extremism groups, educate to inoculate veterans against adopting extremist ideologies and ensure the ongoing availability of counseling and other mental health and social welfare services.

Enforce current laws

Every state prohibits private militias, and many states have laws prohibiting political violence, restricting firearms in state capitols/government buildings and near polling places, and banning paramilitary training in furtherance of, or in preparation for, a civil disorder. Federal and state authorities should take action to raise awareness about these laws – and enforce them.

The lawsuit filed in December 2021 by District of Columbia Attorney General Karl A. Racine under federal and state law against the Proud Boys, Oath Keepers and other Jan. 6 violent actors for property damages and physical and emotional mental injuries is a best practice and can help deter such lawless behavior in the future.

Fund prevention initiatives to steer individuals away from hate and extremism

Disinformation and conspiracy theories are galvanizing attacks on democracy and government institutions. Many groups sharing conspiracy theories offer their

potential supporters simple answers to complex questions. We must confront the insidious nature of this disinformation and conspiratorial thinking, which can lead to ideologically motivated violence.

- ➔ Since it is not possible to legislate, regulate or tabulate hatred and extremism out of existence, we need federal and state government leadership to promote anti-bias, anti-hate and democracy-building education programs – like the SPLC’s Learning for Justice resources – in our nation’s schools. Especially in these divided and polarized times, every elementary and secondary school should promote an inclusive school climate and activities that celebrate our nation’s diversity.
- ➔ Programs and processes that intervene ethically in the lives of individuals – often called “pre” or “deradicalization” efforts – should also be promoted and funded on a larger scale. The SPLC and American University’s Polarization and Extremism Research and Innovation Lab (PERIL) have developed resources to help parents and caregivers understand how extremists are exploiting this time of uncertainty and unrest by targeting children and young adults with propaganda. Our guide, *Building Resilience & Confronting Risk in the COVID-19 Era*, helps caregivers, parents, educators and others recognize signs of radicalization and provides tangible, evidence-tested steps to confront and counter this threat.

Promote online safety and hold tech and social media companies accountable

Social media companies should not enable the funding or amplifying of white supremacist ideas or provide a safe haven for extremists. There is broad, bipartisan support in Congress for legal reforms to promote tech safety, accountability and transparency. But tech companies need not wait for congressional action.

- ➔ Tech companies must create – and enforce – terms of service and policies to ensure that social media platforms, payment service providers and other internet-based services do not provide forums where hateful activities and extremism can grow and lead to domestic terrorism.
- ➔ To the greatest extent possible, social media platforms and online payment service providers should disrupt the funding of hate online, to prevent their services

from helping to incubate and bankroll terrorists and extremism.

Teach truth, democracy-building, and civics education and engagement

To fulfill the full promise of our democracy, it is necessary to build community resilience against hate, with a particular focus on the systemic racism that supports it.

- ➔ We must ensure that our youth are taught critical thinking skills and digital literacy so they can fend off misinformation, disinformation and online radicalization. It is through inclusive education, teaching about the Bill of Rights and our democratic institutions, and teaching the truth about our nation’s history of slavery and oppression that we will truly be able to move forward.
- ➔ Unwarranted attacks on inclusive education have resulted in bullying of Black, Brown, Indigenous and other students and harassment of school board members and teachers. Federal and state officials should provide support and funding to communities addressing intimidating and menacing threats of violence against health care workers, school board members, teachers and school administrators.
- ➔ Conservative and far-right opposition to classroom and workplace equity and diversity education have blocked or chilled important discussions about race and culture change issues. The Department of Education should develop a curriculum on structural racism, and funding should be provided to states to implement their own related initiatives. Americans can only dismantle white supremacy if they understand how racism shaped (and continues to shape) housing, education, policing, health care and other policies and practices that affect our everyday lives.

Restrict access to firearms for extremists

Brandishing firearms emboldens extremists, intimidates the public and can spark escalating tensions at anti-government rallies and protests. Researchers documented at least 100 instances of armed groups and incidents involving guns at protests at state capitols in the six months before the Jan. 6 insurrection at the U.S. Capitol. Federal and state officials should adopt reasonable gun violence prevention initiatives to help prevent violent extremists from acquiring weapons.