

**Testimony of J. Richard Cohen
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before the
Subcommittee on Oversight, Agency Action, Federal Rights and Federal Courts
Committee on the Judiciary
United States Senate**

**Willful Blindness: The Consequences of Agency Efforts to Deemphasize
Radical Islam in Combatting Terrorism**

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My name is Richard Cohen. I am an attorney and the president of the Southern Poverty Law Center (SPLC), a civil rights organization founded in 1971. For more than three decades, we have been monitoring, issuing reports about, and training law enforcement officials on far-right extremist activity in the United States. I previously have testified before the House Committee on Homeland Security and have served on the Department of Homeland Security's Countering Violent Extremism Working Group. I am honored to appear before you today.

I'd like to make three points this afternoon.

First, our country faces serious threats of terrorism associated with a variety of ideologies. Although the threat associated with radical or perverse forms of Islam may be the most serious, it is by no means the only threat that confronts our nation.

Second, our country must combat all forms of violent extremism. We must ensure that the government's attention to the threat associated with radical forms of Islam does not cause it to fail to devote the resources necessary to combat extremism associated with other ideologies.

Third, we must recognize that stigmatizing Muslims will fray the bonds of trust between their communities and the police that are so essential to effective law enforcement.

We Face Serious Threats of Terrorism Associated with a Variety of Ideologies

9/11 was the Pearl Harbor of our time. The devastating attacks led to the creation of the Department of Homeland Security and focused the nation's attention on the threat associated with radical or perverse forms of Islam. As the Obama Administration has emphasized, potential terrorism from those affiliated with or inspired by groups such as al Qaeda (and now ISIS) "represent[s] the preeminent threat to our country."¹ The attack earlier this month at the Orlando

¹ *Empowering Local Partners to Prevent Violent Extremism in the United States* at 2, The White House (Aug. 2011).

gay bar that left 49 innocent souls dead is a grim reminder of this fact as well as the frequency with which the LGBT community is targeted for hate crimes.²

As the members of this subcommittee know, however, our country faces serious threats from other sources as well. The death toll in our country from terrorism associated with radical forms of Islam since the start of 2001 has been far higher than that from radical- or far-right extremism; however, the number of homicidal incidents actually has been greater from the latter source. In a study released in March, the National Consortium for the Study of Terrorism and Responses to Terrorism found that between 1990 and 2014, far-right domestic extremists were responsible for four times as many ideologically based homicidal incidents as extremists associated with al Qaeda and related movements.³ During the 2005-2014 period, the ratio was 3-to-1. In a nationwide survey conducted in 2014 by Duke University's Triangle Center on Terrorism and Homeland Security, state and local law enforcement agencies were more likely to see antigovernment extremism as a threat than extremism connected with al Qaeda or likeminded terrorist organizations.⁴

The number of hate groups – organizations that vilify entire groups of people based on their race, ethnicity, religion, sexual orientation, or some other characteristic and that may provide inspiration or justification for radical-right violence – nearly doubled during a 10-year span, from 457 in 1999 to 926 in 2008. This growth continued during the first two years of the Obama Administration, to a record 1,018 groups in 2011. In our view, the most important factor driving the increase has been a backlash to our country's changing demographics.

For many on the radical right, President Obama – our nation's first president of color – represents the kind of “change” they fear. The day after President Obama was first elected, Stormfront – a popular neo-Nazi web forum whose members have been responsible for many deadly attacks (see below) – reported that it was getting six times its normal traffic. “There are a lot of angry White people out there looking for answers,” added the Stormfront publisher, a former Klansmen.⁵

² Haeyoun Park and Iaryna Mykhyalyshyn, “L.G.B.T. People Are More Likely to be Targets of Hate Crimes Than Any Other Minority Group,” *The New York Times*, June 16, 2016, at http://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html?_r=0.

³ *Twenty-Five Years of Ideological Homicide Victimization in the United States of America*, Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security, March 2016, at http://www.start.umd.edu/pubs/START_CSTAB_ECDB_25YearsofIdeologicalHomicideVictimizationUS_March2016.pdf.

⁴ *The Challenge and Promise of Using Community Police Strategies to Prevent Violent Extremism*, at 21, 63 Triangle Center on Terrorism and Homeland Security, Duke University, Jan. 2016. The authors note that the “survey was conducted in early 2014, so it is possible that police perceptions may have been impacted by events that have taken place since then.” *Id.* at 21.

⁵ Stormfront website, at <https://www.stormfront.org/forum/t521647/>.

To many on the radical right, President Obama is a Kenyan-born, secret Muslim – a fifth columnist. Many in the conservative mainstream, unfortunately, have contributed to this perception. A 2012 study by the Combating Terrorism Center at West Point, it should be noted, found that:

[C]ontentious and conservative political environments as well as political empowerment are positively associated with the volume of [far right] violence; thus, it is not only feelings of deprivation that motivate those involved in far right violence, but also the sense of empowerment that emerges when the political system is perceived to be increasingly permissive to far right ideas.⁶

Although the growth in the number of hate groups began before President Obama took office, his election did coincide with another phenomenon: the dramatic resurgence of a far-right antigovernment movement, a movement that has engaged in armed confrontations with law enforcement officials in recent years. This movement emerged in its current form during the 1990s in response to federal gun control measures and the deadly standoffs at Ruby Ridge and Waco. It comprises hundreds of armed militias and other organizations that typically subscribe to a hodgepodge of antigovernment conspiracy theories, including the belief that U.S. political and economic elites are part of international conspiracy to create a one-world government known as the “New World Order.” It also includes so-called “sovereign citizens,” who have committed a variety of violent acts and believe that they are immune from federal and state laws.⁷ Many of the beliefs prevalent in the antigovernment movement are rooted in the racist, anti-Semitic ideology that animated the Posse Comitatus (Latin for “power of the county”) in the 1970s.

In the 1990s, this movement produced numerous acts and plots of domestic terrorism targeting federal officials and facilities. These include a failed attempt to blow up an IRS building in Reno, Nevada, with an ammonium nitrate bomb; an arson attack on an IRS building in Colorado Springs; a planned invasion of Fort Hood in Texas to slaughter foreign troops that extremists believed to be stationed there; a plot to blow up the FBI’s fingerprint records center in West Virginia; and many others.⁸ The deadliest, of course, was the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, which killed 168 people and injured nearly 700.

As a result of law enforcement crackdowns and other factors, the radical antigovernment movement went into a steep decline after the Oklahoma City bombing and remained largely

⁶ Arie Perliger, *Challengers from the Sidelines: Understanding America’s Violent Far-Right* at 5, Combating Terrorism Center at West Point, Nov. 2012, at

<http://www.ctc.usma.edu/wp-content/uploads/2013/01/ChallengersFromtheSidelines.pdf>.

⁷ “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement,” FBI Law Enforcement Bulletin, Counterterrorism Analysis Section, September 2011, at

<https://leb.fbi.gov/2011/september/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>.

⁸ For a list of radical-right terrorist incidents since the Oklahoma City bombing, see *Terror from the Right*, Southern Poverty Law Center, at <https://www.splcenter.org/20100126/terror-right>.

moribund until President Obama was elected. In 1996, we counted 858 conspiracy-minded antigovernment groups; in 2008, 149. But by 2012, we counted 1,360 such groups, an increase of more than 800 percent. Among the factors contributing to this surge has been the perception – one that surfaced even before President Obama was inaugurated – that his Administration would push gun control measures such as the Brady Bill and the ban on assault weapons that were passed during the Clinton Administration.⁹

As the number of radical-right groups has increased in recent years, so has the level of violence. The 2012 study by West Point’s Combating Terrorism Center found that right-wing violence in the 2000-2011 period surpassed that of the 1990s by a factor of four.¹⁰ In one plot, neo-Nazi Kevin Harpham hid a bomb packed with rat poison-coated fishing weights in a backpack along the route of the MLK Day Parade in Spokane in January 2011. Harpham rigged the bomb to detonate with a remote car starter device he had in his pocket. When the suspicious backpack was spotted, the MLK parade was rerouted and a bomb squad destroyed the weapon.

The number of organized hate and radical antigovernment groups has declined in the last few years (to 892 and 998, respectively); however, the level of activity from both of these sectors has not significantly diminished. Much of the activity in the white supremacist sector has migrated to the web, where extremists can disseminate and absorb propaganda and connect with other extremists in relative anonymity. Since President Obama was elected, for example, the number of registered members on Stormfront, perhaps the most important neo-Nazi web forum in the world, has more than doubled and now stands at over 300,000. In addition to its registered members, the site attracts millions of visitors who are fed a steady stream of crude racist and anti-Semitic vitriol.

The level and threat of violence from the radical right also remains high, and much of it comes from “lone wolves” – persons who may be inspired by, or who justify their violence on the basis of, ideological extremism. Last year, we issued a study – *The Age of the Wolf* – that found that 46 of 63 domestic terror incidents (74%) culled from academic databases and our own research files over the previous six years were the work of a single person. Ninety percent were the work of no more than two people.¹¹ A 2014 DHS intelligence assessment noted a “spike within the past year in violence committed by militia extremists and lone offenders who hold violent anti-government beliefs.”¹² In February 2015, DHS warned of attacks by sovereign

⁹ Brian Montopoli, “NRA Begins Push to Tarnish Obama on Guns,” CBS News.com, Sept. 23, 2008, at <http://www.cbsnews.com/news/nra-begins-push-to-tarnish-obama-on-guns/>; Donna Leinwand, “Record Number of Anti-Government Militias in USA,” *USA Today*, March 5, 2013, at <http://www.usatoday.com/story/news/nation/2013/03/05/southern-poverty-law-center-militias-gun-control/1964411/>.

¹⁰ Arie Perliger, *Challengers from the Sidelines: Understanding America’s Violent Far-Right* at 87, Combating Terrorism Center at West Point, Nov. 2012.

¹¹ *The Age of the Wolf*, Southern Poverty Law Center, Feb. 12, 2015, at <http://www.splcenter.org/lone-wolf>.

¹² *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement*, Office of Intelligence and Analysis, Department of Homeland Security, July 22, 2014.

citizens, citing 24 acts of ideology-based violence, threats or plots (mostly against law enforcement targets) since 2010.¹³ Antigovernment extremists have killed at least seven law enforcement officers in recent years.

Extremist websites serve as incubators and provide justification for violence. Our 2014 report on Stormfront showed that its registered users have committed numerous murders in recent years.¹⁴ Norwegian terrorist Anders Behring Breivik, who slaughtered 77 people in 2011 because he thought they were enabling Muslim immigration, was the most deadly Stormfront user. Richard Poplawski, who ambushed and killed three law enforcement officers in Pittsburgh in 2009, was another Stormfront poster.

Stormfront is merely one example of web forums that promote racial hatred. Frazier Glenn Miller, the former neo-Nazi leader who killed three people he mistook for Jews in Overland Park, Kansas, in 2014 regularly posted comments on Vanguard News Network, a forum with the slogan “No Jews. Just Right.” Racist and anti-Semitic threads can be found on many other sites, including mainstream forums like Reddit, which now has a community of crudely anti-black sites known as “the Chimpire.”

Dylann Roof, the alleged shooter in the June 17, 2015, massacre at Charleston’s Emanuel African Methodist Episcopal Church, represents the modern face of much domestic terrorism: the extremist who acts alone after being radicalized online. Roof had not been a member of a racist hate group. Instead, he appears to have been indoctrinated into the world of white nationalism entirely online. In a 2,400-word manifesto, he described becoming “racially aware” in the echo chamber of white supremacist websites following the controversy over the death of Trayvon Martin in 2012. On the site of the racist Council of Conservative Citizens, he found demonizing propaganda about black-on-white crime. He wrote that he “saw the same things happening in England and France, and in all the other Western European countries,” then “found out about the Jewish problem.” As he was murdering his victims, Roof told them that black people were “taking over our country” and “rap[ing] our women.”

Roof, like Breivik, represents something else: the international nature of the white nationalist movement.¹⁵ On his jacket, he wore the flags of the former apartheid regimes of South Africa and Rhodesia. Like his European counterparts, he believed that the white race is facing genocide. Thomas Mair, the alleged killer of British Parliament member Jo Cox, is another example. Our files contain documents reflecting that he purchased hate propaganda as well as manuals on making homemade bombs and pistols from the National Alliance, once the most

¹³ *Sovereign Citizen Extremist Ideology Will Drive Violence at Home, During Travel, and at Government Facilities*, Office of Intelligence and Analysis, Department of Homeland Security, Feb. 5, 2015.

¹⁴ *White Homicide Worldwide*, Southern Poverty Law Center, April 16, 2014, at <http://www.splcenter.org/get-informed/publications/White-Homicide-Worldwide>.

¹⁵ Morris Dees and J. Richard Cohen, “White Supremacists Without Borders,” *The New York Times*, June 22, 2015, at <http://www.nytimes.com/2015/06/22/opinion/white-supremacists-without-borders.html>.

influential U.S.-based hate group whose founder wrote the book that was the blueprint for the Oklahoma City bombing. Just as the United States has seen an increase in the number of hate groups in response to our country's changing demographics, Europe has seen the rise of a powerful, far-right movement that rejects multiculturalism. In a 2013 speech to white nationalists in Britain and France, Jared Taylor, who later served as the spokesperson for the Council of Conservative Citizens following the Charleston massacre, put it this way: "The fight in Europe is exactly the same as ours."

I close this section with a discussion of something distinctly domestic: the terrorism in the West directed at the federal government by a movement of far-right groups and individuals united by their anger at the government and its management of public lands.

The potential for deadly violence from this movement was on vivid display in April 2014, when the U.S. Bureau of Land Management (BLM) attempted to confiscate cattle belonging to Cliven Bundy on federal land in Nevada. Bundy, who subscribes to beliefs rooted in the anti-Semitic doctrines of county supremacy (*Posse Comitatus*) and sovereign citizens, had refused to pay more than \$1 million in grazing federal fees and fines. Despite his lawlessness, hundreds of armed militiamen from across the country answered his call to come to his ranch and stand against the government. As the confrontation neared a climax, militia snipers lined hilltops and overpasses with rifles trained on federal agents, and Bundy stated, "We're about ready to take the country over with force."¹⁶ Later that day, the government abandoned its effort to confiscate Bundy's cattle.

During the confrontation and its immediate aftermath, Fox News' Sean Hannity repeatedly trumpeted Bundy as a hero. Senator Dean Heller of Nevada called the Bundy family "patriots."¹⁷ The chair of this Subcommittee appeared to put the blame on President Obama and the federal government for "using the jackboot of authoritarianism to come against the citizens."¹⁸ Likewise, Texas Gov. Rick Perry said he had "a problem with the federal government putting citizens in the position of having to feel like they have to use force to deal with their own government."¹⁹ Bundy also received support from the Constitutional Sheriffs and Peace Officers Association, an organization that claims the support of hundreds of sheriffs and promotes the

¹⁶ Don Hernandez and Joseph Langdon, "Federal Rangers Face Off Against Armed Protesters in Nevada 'Range War,'" *The Guardian*, April 13, 2014, at <https://www.theguardian.com/world/2014/apr/13/nevada-bundy-cattle-ranch-armed-protesters>.

¹⁷ "A List of Cliven Bundy's Supporters, Now That We Know He's a Pro-Slavery Racist," *The Wire*, April 24, 2014, at <http://www.thewire.com/politics/2014/04/a-list-of-cliven-bundys-supporters-now-that-we-know-hes-a-pro-slavery-racist/361154/>.

¹⁸ Miranda Blue, "Ted Cruz: Bundy Ranch Standoff 'Tragic Culmination' of Obama's 'Jackboot of Authoritarianism,'" *Right Wing Watch*, April 23, 2014, at <http://www.rightwingwatch.org/content/ted-cruz-bundy-ranch-standoff-tragic-culmination-obamas-jackboot-authoritarianism>.

¹⁹ *Id.*

doctrine that sheriffs should resist the enforcement of federal laws they consider to be unconstitutional.²⁰

Two months later, two antigovernment zealots who had been at the Bundy ranch, Jerad and Amanda Miller, murdered two police officers in cold blood at a Las Vegas restaurant. Bundy supporters say the Millers had been asked to leave the ranch. But it should come as no surprise that they were attracted to the talk of violent rebellion. On the bodies of the dead policemen, they left the most recognizable emblem of the militia movement – the Gadsden “Don’t Tread on Me” flag – along with a swastika and note saying the revolution had begun. They went on to murder another man before being killed in a shootout with police.

Tense confrontations between federal officials and antigovernment activists erupted across the West in the 18 months following the standoff at the Bundy ranch. In June 2014, for example, two men pointed a handgun at a BLM worker in a marked federal vehicle while holding up a sign that said, “You need to die.”²¹ Threats and assaults against national forest and rangeland employees rose sharply during this period, according to Public Employees for Environmental Responsibility. Incidents involving BLM personnel increased from 15 in 2014 to 28 in 2015; those involving U.S. Forest Service employees jumped from 97 to 155, after several years of declines.²²

On January 2 of this year, Cliven Bundy’s sons Ammon and Ryan led a group of armed militia extremists who seized the headquarters building of the Malheur National Wildlife Refuge in Oregon. The group demanded, among other things, that the federal government cede ownership of the 1.4 million-acre Malheur National Forest to local authorities. Bundy’s sons were eventually arrested on January 26 as they drove to a public meeting to discuss their demands. Riding with them was Robert “LaVoy” Finicum. After Finicum tried to drive through a roadblock, he was shot and killed by police as he reached for his pocket, apparently for a handgun.

²⁰ Mark Potok and Ryan Lenz, “Line in the Sand,” *Intelligence Report*, Southern Poverty Law Center, June 13, 2016, at <https://www.splcenter.org/fighting-hate/intelligence-report/2016/line-sand>.

²¹ Matt Lee-Ashley, *Congress Should Confront the Rise of Violent Extremism on America’s Public Lands*, Center for American Progress, March 24, 2016, at <https://www.americanprogress.org/issues/green/report/2016/03/24/133730/congress-should-confront-the-rise-of-violent-extremism-on-americas-public-lands/>.

See also: David Neiwert, “In Wake of Bundy Standoff, Utah BLM Wrangler Threatened By Armed Men in Pickup,” Hatewatch blog, Southern Poverty Law Center, May 8, 2014, at <https://www.splcenter.org/hatewatch/2014/05/08/wake-bundy-standoff-utah-blm-wrangler-threatened-armed-men-pickup>.

²² “Attacks Against Federal Range and Forest Workers on Rise,” Public Employees for Environmental Responsibility, May 31, 2016, at <http://www.peer.org/news/news-releases/attacks-against-federal-range-and-forest-workers-on-rise.html>.

Finicum's death has since become a rallying cry for the movement. Seven hundred people attended his funeral in Utah, and by the end of April there had been more than 80 events in his honor across the country.²³ Days after the shooting, an article on the website of the Oath Keepers, a conspiracy-minded antigovernment group that claims 30,000 law enforcement officers, soldiers, and military veterans as members,²⁴ said, "We vow to continue on with LaVoy's legacy; his sacrifice will not be in vain."²⁵ Last week, a Finicum associate who had been at the Bundy ranch and who leads a Utah militia group was charged with plotting to blow up a BLM cabin in Arizona.²⁶

We Must Combat All Forms of Violent Extremism

After the shock and horror of the 9/11 attacks, a dedicated, comprehensive and forceful response to the threat associated with radical forms of Islam, both here and abroad, was an absolute necessity. No one could possibly argue otherwise. The question we have raised at various points is whether threats from other forms of terrorism have been given the attention they require.

We have had reasons to be concerned. After the deadly Oklahoma City bombing on April 19, 1995, then-Attorney General Reno formed a special task force, the Domestic Terrorism Executive Committee, to coordinate the country's response to the threat of domestic terrorism. The task force was scheduled to hold one of its monthly meetings on September 11, 2001, but did not do so for obvious reasons. But the task force did not miss just one meeting. As the country's focus shifted to the new and devastating threat, the task force did not meet again for 13 years.

The shadow of 9/11 has not been the only factor leading to a reduced focus on other forms of terrorism. Partisan politics appear to have played a role as well. In April 2009, DHS released an unclassified intelligence assessment to law enforcement officials entitled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*.²⁷ Yet, despite the report's accuracy, then-DHS Secretary Janet Napolitano withdrew it following an outcry by those who claimed, falsely, that the report tarred conservatives as potential domestic terrorists. More significantly, the DHS unit responsible for

²³ "In the Aftermath of LaVoy Finicum's Death, Growing Number of Rallies Push Martyrdom Narrative," Hatewatch blog, Southern Poverty Law Center, at <https://www.splcenter.org/hatewatch/2016/05/03/aftermath-lavoy-finicums-death-growing-number-rallies-push-martyrdom-narrative>.

²⁴ For a fuller description of the Oath Keepers, see <https://www.splcenter.org/fighting-hate/extremist-files/individual/elmer-stewart-rhodes-0>.

²⁵ "Rest in Peace LaVoy," Oath Keepers website, at <https://www.oathkeepers.org/rest-in-peace-lavoy/>

²⁶ "FBI: Utah Militia Leader Planned to Bomb US-Owned Cabin," *The New York Times*, June 23, 2016, at <http://www.nytimes.com/aponline/2016/06/23/us/ap-us-ranching-standoff-utah-militia.html>.

²⁷ PDF on Southern Poverty Law Center website, at http://www.splcenter.org/sites/default/files/downloads/resource/DOJ_rwextremism2009.pdf.

the report was allowed to wither. In the wake of the controversy over the report, the *Washington Post* reported that DHS “cut the number of personnel studying domestic terrorism unrelated to Islam, canceled numerous state and local law enforcement briefings, and held up dissemination of nearly a dozen reports on extremist groups.”²⁸

Daryl Johnson, the former DHS senior domestic terrorism analyst who was the principal author of the 2009 DHS report, later stated, “through reckless neglect at nearly all levels of government, domestic terrorism not tied to Islam has become a cancer with no diagnosis or plan to address it.” There are, he said, hundreds of government analysts looking for threats associated with radical forms of Islam but “mere dozens” monitoring other forms of potential threats.²⁹

In 2010, the year after the DHS *Right-wing Extremism* report was withdrawn, I was asked to serve on Secretary Napolitano’s Countering Violent Extremism Working Group.³⁰ At my request, one of my colleagues, a federally certified law enforcement trainer, was invited to serve as a subject matter expert for the Advisory Council. Neither of us had success in getting the group to focus on the threat of terrorism from the radical right.

Over the last two years, we have seen renewed attention to the threat of radical-right terrorism from the federal government. In 2014, for example, after white supremacist Frazier Glenn Miller killed three people he thought were Jewish in Overland Park, Kansas, Attorney General Holder reconstituted the domestic terrorism task force that Attorney General Reno originally established after the Oklahoma City bombing. More recently, Attorney General Lynch created a new position, the Domestic Terrorism Counsel within the Counterterrorism Section of the Justice Department’s National Security Division, to better address domestic terrorism issues. Still, there are indications that the threat of radical-right terrorism may not be getting the attention it requires.

In February 2015, for example, when President Obama addressed the White House Summit on Countering Violent Extremism, the first terrorist incident he mentioned was the Oklahoma City bombing. But the discussion at the summit itself focused almost exclusively on the threat associated with radical forms of Islam. Similarly, last year – just two weeks after the Charleston massacre – the House Committee on Homeland Security released a Terror Threat Snapshot that contained no mention of Charleston or the threat of terror from the radical right.³¹

²⁸ “Homeland Security Department Curtails Home-Grown Terror Analysis,” *Washington Post*, June 7, 2011, at http://www.washingtonpost.com/politics/homeland-security-department-curtails-home-grown-terror-analysis/2011/06/02/AGQEEaDLH_story.html.

²⁹ “For Domestic Hate, Apply the Vigor and Strategy Used for Muslim Terror,” Daryl Johnson, *The New York Times*, June 24, 2015, at <http://www.nytimes.com/roomfordebate/2015/06/24/charleston-and-the-threat-of-homegrown-hate-groups/for-domestic-hate-apply-the-vigor-and-strategy-used-for-muslim-terror>.

³⁰ https://www.dhs.gov/xlibrary/assets/hsac_cve_working_group_recommendations.pdf.

³¹ <http://homeland.house.gov/sites/homeland.house.gov/files/documents/July%20Terror%20Threat%20Snapshot%200.pdf>.

Hearings on the government’s investigation of Omar Mateen prior to the Orlando massacre are surely appropriate. But so are hearings on the danger to federal employees, federal lands, and the public from the antigovernment terrorism we’ve seen in the West. My understanding is that neither the Senate nor the House has held or scheduled hearings on the latter subject.

Stigmatizing the Muslim Community Undermines Trust

Muslim-American communities have been vital in the effort to combat violent extremism.³² As Michael Leiter, former director of the National Counterterrorism Center, said, “[W]e have to make quite clear that [Muslim] communities are part of the solution and not part of the problem.”³³ Yet, the reality is, the relationship between law enforcement and Muslim communities in America, which is so critical for effective law enforcement in the long run,³⁴ is often frayed.

According to a recent study funded by the Justice Department and conducted by the Triangle Center on Terrorism and Homeland Security,³⁵ there are numerous factors behind the tension and mistrust. But they start with the Muslim community’s perception – one based on fact – that a double standard is at work – that they are singled out for special community policing programs because law enforcement officials look at them with suspicion.

This sense of being unfairly targeted is magnified by the widespread belief – one also based on fact – that informants are being deployed in Muslim communities, particularly in their places of worship. It is exacerbated by the discrimination Muslims often experience in their daily lives, the scrutiny they experience at airports, and the vilification to which they are routinely subject in the media and entertainment industry. Furthermore, according to the Triangle Center study,

[V]irulent anti-Muslim bigotry has even infected our political process with 16 state legislatures enacting laws intending to ban legal application of

³² Kristina Cooke and Joseph Ax, “U.S. Officials Say American Muslims Do Report Extremist Threats,” Reuters, June 16, 2016, at <http://www.reuters.com/article/us-florida-shooting-cooperation-idUSKCN0Z213U>.

³³ Michael Leiter, Testimony Before Committee on Homeland Security at 32, U.S. House of Representatives, at <https://homeland.house.gov/hearing/understanding-homeland-threat-landscape-considerations-112th-congress/>.

³⁴ *Report on the National Summit on Empowering Communities to Prevent Violent Extremism* at 8, Office of Community Oriented Policing Services, U.S. Department of Justice, 2015; *Understanding Community Policing: A Framework for Action* at vii, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, August 1994, at <https://www.ncjrs.gov/pdffiles/commpp.pdf>. (“Without trust between police and citizens, effective policing is impossible.”).

³⁵ *The Challenge and Promise of Using Community Police Strategies to Prevent Violent Extremism*, Triangle Center on Terrorism and Homeland Security, Duke University, January 2016.

Islamic principles in courts, some members of Congress calling into question the loyalty of Muslim American civil servants, and presidential candidates stating that a Muslim should not be able to serve in high office or that certain mosques should be closed. The trends have only been compounded in the aftermath of the Paris and San Bernardino attacks, which generated open public discussion about religious tests to determine admissibility of refugees, religion-based surveillance, and, of course, the proposal by one presidential candidate to temporarily bar foreign born Muslims from entering the United States.³⁶

Incendiary anti-Muslim rhetoric can potentially play into the hands of recruiters for ISIS and similar groups.³⁷

The FBI's treatment of the Charleston and Orlando killings reflects an aspect of the double standard at work here. Within hours of the massacre at the gay nightclub in Orlando by a U.S.-born Muslim, the FBI labeled it terrorism. In the days following the Charleston attack last year, on the other hand, FBI Director James Comey said the killings of African-American churchgoers by a white supremacist was not an act of terror.³⁸ Both cases, however, fit the definition of terrorism under federal law,³⁹ as do the actions of the antigovernment militiamen at the Bundy ranch in 2014 and the Malheur National Wildlife Refuge earlier this year.

Since 9/11, we've seen three distinct spikes in hate crimes targeting Muslims and those perceived to be Muslims, another factor that contributes to the Muslim community's sense of alienation and one that may contribute to radicalization.⁴⁰ The first spike began immediately after the deadly attacks launched by al Qaeda that killed almost 3,000 innocent victims, including a number of Muslims. The FBI hate crime statistics for 2001 showed a 1,600 percent increase in anti-Muslim hate crime incidents in the United States – 481 incidents reported to the FBI, compared to 28 reported a year before.⁴¹

The second spike came in 2010 amid the heated rhetoric surrounding a proposed Islamic cultural center near the site of the World Trade Center attack – the so-called “ground-zero

³⁶ *Id.* at 23-24 (footnotes omitted).

³⁷ Liam Stack, “Qaeda Affiliate Uses Video of Donald Trump for Recruiting,” *The New York Times*, Jan. 1 2016, at http://www.nytimes.com/2016/01/02/world/africa/al-qaeda-uses-video-of-trump-for-recruiting.html?_r=0.

³⁸ Andrew Husband, FBI Director Says Charleston Shooting Not Terrorism,” *Mediaite*, June 20, 2015, at <http://www.mediaite.com/tv/fbi-director-says-charleston-shooting-not-terrorism/>.

³⁹ See 28 USC §2331.

⁴⁰ Triangle Center Study at 23; Jeff Guo, “Hating Muslims Plays Right Into the Islamic State’s Hands,” *The Washington Post*, Nov. 17, 2015, at <https://www.washingtonpost.com/news/wonk/wp/2015/11/17/isis-wants-you-to-hate-muslims/>.

⁴¹ Because of limitations in the collection of data, these numbers vastly understate the problem; more than half of all hate crimes are never reported to police and many others are incorrectly categorized.

mosque.” The FBI statistics showed then a 50 percent rise in hate crimes targeting the Muslim community.⁴²

The third spike began in 2015, a year marked by the extremist attacks in Paris and San Bernardino, and by the incendiary, anti-Muslim rhetoric in the presidential campaign. One Muslim-American organization reported that last year there were more attacks on mosques – vandalism, harassment and intimidation – than in any other year since it began tracking them. Most of the attacks occurred after the Nov. 13 terrorist attacks in Paris.⁴³

Following 9/11, President George W. Bush delivered a series of speeches emphasizing that Muslims and Arabs are not our enemies.⁴⁴ “[O]ur war is against evil, not Islam. There are thousands of Muslims who proudly call themselves Americans, and they know what I know – that the Muslim faith is based upon peace and love and compassion.”⁴⁵ He also appeared publicly with imams and other Muslim leaders. At least in part because of his leadership, anti-Muslim hate crimes decreased in 2002 by about 67 percent – a remarkable drop. The lesson, of course, is that it matters what our leaders say from their bully pulpits.

⁴² “FBI: Dramatic Spike in Hate Crimes Targeting Muslims,” *Intelligence Report*, Southern Poverty Law Center, March 1, 2012.

⁴³ “Number of Incidents Targeting U.S. Mosques in 2015 Highest Ever Recorded,” Council on American-Islamic Relations,” December 17, 2015, at <https://www.cair.com/press-center/press-releases/13313-mosques-targeted.html>

⁴⁴ <https://georgewbush-whitehouse.archives.gov/infocus/ramadan/islam.html> (compilation of the “President’s Words: Respecting Islam”).

⁴⁵ *Id.*