



Maryland General Assembly  
Senate Judicial Proceedings Committee  
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ADL (the Anti-Defamation League) is pleased to submit this testimony in **support of SB864, Public Safety – Task Force on Preventing and Countering Domestic Terrorism**, a bill that would establish a task force to consider optimal policies and practices for both preventing and countering domestic terrorism in the U.S.

Since 1913, the mission of ADL (the “Anti-Defamation League”) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” For decades, one of the most important ways in which ADL has fought against bigotry and antisemitism has been by investigating extremist threats across the ideological spectrum, including white supremacists and other far-right violent extremists, producing research to inform the public of the scope of the threat, and working with law enforcement, educators, the tech industry and elected leaders to promote best practices that can effectively address and counter threats to communities.

As ADL has said time and time again, extremists must be taken at their word. Volatile rhetoric online bleeds into explicit calls to violence, and now people have acted on those calls in the sacred halls of our nation’s Capitol. This cycle did not begin on January 6. It is part of an escalating pattern that has been roiling for a long time and will require vigilance and commitment from all of us to interrupt.

The first step is for us to acknowledge the nature and magnitude of the problem. The second step is for federal and state governments to embrace the need for new approaches to prevent and counter domestic extremism and domestic terrorism. With respect to the severity of the problem itself, there is no question that hate and extremism are on the rise. Since the 2016 presidential election, white supremacy has experienced a resurgence, driven in large part by the rise of the alt right, the newest segment of the white supremacist movement. Youth-oriented and overwhelmingly male, the alt right has provided new energy to the movement, but has also been a destabilizing force, much as racist skinheads were to the movement in the 1980s and early 1990s.

Modern white supremacist ideology is centered on the belief that the white race is in danger of extinction, drowned by a rising tide of people who are not white, controlled and manipulated by Jews. White supremacists believe that almost any action is justified if it will help “save” the white race. Violence and crime represent the most serious problems emanating from the white supremacist movement. White supremacists have killed more people in recent years than any other type of domestic extremist (54% of all domestic extremist-related murders in the past 10

years). They are also a troubling source of domestic terror incidents (including 13 plots or attacks within the past five years).

Yet murders and terror plots represent only the tip of the iceberg of white supremacist violence, as there are many more incidents involving less severe crimes, including attempted murders, assaults, weapons and explosives violations, and more. In addition, white supremacists engage in non-ideological crime, including crimes of violence against women and drug-related crimes. From 2016 through 2019, white supremacists alone killed 116 people in the United States in terrorist acts, hate crimes, and other violent acts. Other right-wing extremists added 21 more deaths to the grisly toll. Lawmakers, law enforcement, and the public need to recognize the grave and dangerous threat posed by violent white supremacy and other forms of right-wing extremism. We cannot begin to defeat this deadly form of hatred if we fail to recognize it, let alone condemn it.

Unfortunately, we cannot legislate, tabulate, regulate, or arrest our way to a healthier and more accepting society. The fundamental cause of bias-motivated violence in the United States is the persistence of racism, anti-Muslim bigotry, anti-LGBTQ+ bias, antisemitism, and all forms of identity-based hate, and there are no quick, complete solutions to these problems. But this Legislature has a critical role to play in using its own power to establish norms, build consensus around our shared values, and convene experts to assess the best ways to prevent and counter domestic terrorism.

In the wake of the January 6, 2021 siege on the U.S. Capitol, people in the United States are understandably worried about extremism and political violence. They want to know how bad things are, and how bad they might get. The bottom line is that although we should not panic, there's also no excuse for ignoring an extremist threat that appears to have significant staying power. In other words, we all need to focus on the long game.

Just as the attack on our Capitol did not materialize out of nowhere, so too has the threat not dissipated in its aftermath. Those who perpetrated the attack will not readily abandon their principles, nor will those who supported this act of domestic terrorism from afar. We cannot expect there to be a change unless we change something about our approach. The trauma of January 6 must not be in vain. It is time, at long last, for action. It is time for a whole-of-government and whole-of-society approach to combating domestic extremism. This legislation is an important contribution to that effort.

The findings of any Task Force will be informed by its composition. We are heartened to see that the Task Force will include representatives of civil rights organizations. However, the Task Force has multiple representatives of law enforcement and no representation from public defenders or the public defense bar. This is a necessary perspective in ensuring that the final recommendations of the Task Force will be just and equitable. Similarly, the final recommendations (Section 1(f)) should include a section on civil rights considerations.

ADL supports this bill and the Task Force that it creates to prevent and counter domestic terrorism. This Task Force is charged with no small challenge. We look forward to sharing our knowledge and expertise with them, including our **PROTECT** plan — a comprehensive, seven-part plan to mitigate the threat posed by domestic extremism and domestic terrorism while protecting civil rights and civil liberties. Together, these seven steps can have an immediate and deeply significant impact in preventing and countering domestic terrorism – more so than any one action, policy, or law – and can do so while protecting vulnerable people and communities against the risk of government overreach. In short, the plan advocates that state and federal governments:

- P** Prioritize Preventing and Countering Domestic Terrorism
- R** Resource According to the Threat
- O** Oppose Extremists in Government Service
- T** Take Public Health and Other Domestic Terrorism Prevention Measures
- E** End the Complicity of Social Media in Facilitating Extremism
- C** Create an Independent Clearinghouse for Online Extremist Content
- T** Target Foreign White Supremacist Terrorist Groups for Sanctions

**For all these reasons, we accordingly urge the Senate Judicial Proceedings Committee to give SB864 a favorable report.**

# PROTECT Plan to Fight Domestic Terrorism



On January 6, Americans watched as an insurrection fueled by violent conspiracy theories and white supremacy gripped the nation and attacked our democracy. This was a predictable act of political violence fueled by years of increasing extremism; the forces that led to the attack on our Capitol continue to pose a threat to American security and democracy.

To address this challenge, ADL is announcing the PROTECT plan to mitigate the threat of domestic terrorism while protecting civil liberties. It is a whole-of-government and whole-of-society approach, including actions for federal, state and local officials, as well as the tech industry. Together, these seven actions should significantly help prevent and counter domestic terrorism – more so than any one policy or law – and should do so while protecting vulnerable people and communities against the risk of government overreach.

- **Prioritize Preventing and Countering Domestic Terrorism**
- **Resource According to the Threat**
- **Oppose Extremists in Government Service**
- **Take Domestic Terrorism Prevention Measures**
- **End the Complicity of Social Media in Facilitating Extremism**
- **Create an Independent Clearinghouse for Online Extremist Content**
- **Target Foreign White Supremacist Terrorist Groups**

## THE PROTECT PLAN

### **Prioritize Preventing and Countering Domestic Terrorism**

A whole-of-government strategy must be accompanied by a whole-of-society approach. This requires interagency coordination, as well as coordination among federal, state and local stakeholders, civil society and the private sector. The Biden-Harris Administration should ensure civil society input by kicking off the strategy process with a Preventing Domestic Terrorism Summit with civil society, and then creating a comprehensive interagency strategy that calls out domestic terrorism and prioritizes preventing and countering it.

State governments should determine a point person – ideally at least one full office with federal support – to specialize in domestic terrorist threats and oversee work across state government offices, law enforcement, and with partners in government and civil society to address domestic terrorism.

### **Resource According to the Threat**

Congress should insist on immediate passage of the Domestic Terrorism Prevention Act (DTPA) to enhance the government's efforts to prevent domestic terrorism by formally authorizing offices to address it and requiring law enforcement agencies to regularly report on domestic terrorist threats. Congress and the Administration must ensure that those offices have and deploy resources proportionate to the threats.

State legislatures should consider a state equivalent of the Domestic Terrorism Prevention Act, and states should work toward transparently sharing an annual report on the state of domestic terrorism and apportioning state resources according to the lethality of those threats.





### **Oppose Extremists in Government Service**

Federal and state officials must take steps to ensure that individuals associated with violent extremist movements or engaged in violent extremist activity are deemed unsuitable for government employment in positions responsible for public safety or well-being – including law enforcement and military – and are not given security clearances, to the extent permitted by law. Federal and state officials should conduct a review and take appropriate steps against any current such employees.

Leadership must identify any elected officials who have endorsed, given credence to, or intentionally promoted QAnon or other dangerous conspiracy theories, and decline to assign them to positions of authority.

### **Take Domestic Terrorism Prevention Measures**

Congress and state legislatures must fund civil society and academic programs to address violent extremist radicalization and recruitment. These initiatives, which might include education, counseling, and off-ramping, require careful oversight and safeguards that ensure they do not stigmatize communities and are responsive to such concerns.

### **End the Complicity of Social Media in Facilitating Extremism**

Congress must investigate any complicity between social media companies and extremists, and make social media platforms more transparent and accountable for dangerous disinformation and misinformation, as well as hate content. A menu of options should include the careful reform, not elimination, of Section 230, the law that currently affords social media platforms unprecedented immunity from legal accountability. It also should include measures to independently and transparently verify the amount, nature and impact of extremism online, as well as the effectiveness of current efforts.

States should ensure that law enforcement understands the nature of online extremism and how to process digital evidence, and provide better recourse for victims of doxing, swatting and other forms of online harassment.

### **Create an Independent Clearinghouse for Online Extremist Content**

Congress should work with the Biden-Harris Administration to create a publicly funded, independent nonprofit center, modeled in part on the National Center for Missing & Exploited Children (NCMEC), to help streamline national security tips and resources while preserving civil liberties.

State governments should work with federal partners to create a centralized nationwide clearinghouse, and then create complementary efforts at the state level.

### **Target Foreign White Supremacist Terrorist Groups**

The National Security Council should urgently hold a Deputies Committee meeting to review terrorist designations to ensure that any foreign extremist groups, particularly white supremacist groups, that have reached the threshold for the designation should be so designated.

The Biden-Harris Administration must ensure consistent analysis of the global nature of the white supremacist terrorist threat, such as by empowering the National Counterterrorism Center to analyze the threat to the fullest extent permitted by law.

State law enforcement should report suspicious white supremacist behavior to the FBI's Terrorist Screening Center to determine whether a suspect is on the terrorist watch list. If and when a white supremacist terrorist group is designated as a Foreign Terrorist Organization, states should enhance their capabilities to address the threat and coordinate with federal entities.