Mass Violence, Extremism, and Digital Responsibility

Testimony of
George Selim
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ADL (Anti-Defamation League)

**at a hearing before the
Senate Committee on
Commerce, Science and Transportation**

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Introduction

Since 1913, the mission of ADL (Anti-Defamation League) has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all." For decades, ADL has fought against bigotry and anti-Semitism by exposing extremist groups and individuals who spread hate and incite violence. Today, ADL is the foremost non-governmental authority on domestic terrorism, extremism, hate groups, and hate crimes. ADL plays a leading role in exposing extremist movements and activities, while helping communities and government agencies alike in combating them. ADL's team of experts – analysts, investigators, researchers, and linguists – use cutting-edge technologies and investigative techniques to track and disrupt extremists and extremist movements worldwide. ADL provides law enforcement officials and the public with extensive resources, including analytic reports on extremist trends and databases of Hate Symbols and Terror Symbols that can help alert online platforms of problematic content.

White Supremacy and Mass Shootings[1]

When white supremacist Robert Bowers entered the Tree of Life Synagogue in Pittsburgh in October 2018 to launch a killing spree against Jews attending services, taking 11 lives and wounding seven more, his senseless and hate-fueled violence directly impacted not just the victims' families, friends and neighbors, but all residents of Pittsburgh—and communities nationwide and around the world. The deadliest attack against American Jews, unfortunately, was only one of many in the past year tied to a white supremacist ideology that has found fertile ground online with consequences affecting not only Americans but people around the world. Extremist-related killings are comparatively few when compared to the total number of homicides in the U.S. each year. Nevertheless, such killings, especially when they are committed as hate crimes or terrorist attacks, can send shock waves through entire communities—and beyond. A list of selected white supremacist shooting sprees is included at the end of this document.

Recent analysis by ADL's Center on Extremism shows that domestic extremists took the lives of at least 50 people in 2018, a sharp increase from the 37 people killed by extremists in 2017. In fact, 2018 is the fourth-deadliest year since 1970, behind only 1995 (which saw 184 deaths, most attributed to the Oklahoma City bombing), 2016 (72 deaths) and 2015 (70 deaths).

2018's high death toll is due in large part to the number of shooting sprees by extremists. In 2017, only one extremist-related shooting spree occurred; in 2018, there were five shooting sprees collectively responsible for 38 deaths and 33 wounded. There were fewer lethal incidents in 2018 than in 2017 (17 compared to 21), but the events were significantly deadlier—and the 2018 shooting sprees were responsible for most of the deaths.

These attacks are in large part intensified by the use of guns. In both high- and low-casualty attacks, domestic extremists used guns in 42 of the 50 murders they committed in 2018, far outpacing edged

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[1] Datasets for this section are available on ADL's HEAT Map: ADL, *ADL H.E.A.T Map*, updated June 19, 2019, https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map.

weapons or physical assaults. Over the past ten years, firearms were used in 73% of domestic extremist-related killings in the United States. Guns are the weapon of choice among America's extremist murderers, regardless of their ideology.

White supremacists were responsible for the great majority of extremist-related killings in 2018, which is the case almost every year. Right-wing extremists were responsible for 49 (or 98%) of the 50 domestic extremist-related killings in 2018, with white supremacists alone accounting for 39 (or 78%) of those murders.

Hate Crimes in America

While most anti-Semitic incidents are not directly perpetrated by extremists or white supremacists, there are important connections between the trends. We found in our annual *Audit of Anti-Semitic Incidents* that in 2018, 249 acts of anti-Semitism (13 percent of the total incidents) were attributable to known extremist groups or individuals inspired by extremist ideology, making it the highest level of anti-Semitic incidents with known connections to extremists or extremist groups since 2004.[2] Of those, 139 incidents were part of fliering campaigns by white supremacist groups. Another 80 were anti-Semitic robocalls allegedly perpetrated by anti-Semitic podcaster Scott Rhodes in support of the candidacy of Patrick Little, an unabashed white supremacist who ran an unsuccessful campaign for U.S. Senate in California.

The Audit also noted spikes at several points during the year. The final three months of the year were unusually active, with 255 incidents in October, 300 in November and 194 in December. The high number in October included 45 propaganda distributions by white supremacists. The incidents in November and December immediately followed the Pittsburgh massacre, which likely drew more attention to anti-Semitic activities. Incidents first spiked in May, when 209 anti-Semitic acts were reported, including 80 anti-Semitic robocalls sent by white supremacists, which targeted Jewish individuals and institutions with harassing messages.

Hate crimes are only an element of the anti-Semitic incidents that we track. The most recent data about hate crimes made available by the FBI is for 2017.[3] The FBI has been tracking and documenting hate crimes reported from federal, state, and local law enforcement officials since 1991 under the Hate Crimes Statistics Act of 1990 (HCSA). Though clearly incomplete, the Bureau's annual HCSA reports provide the best single national snapshot of bias-motivated criminal activity in the United States. The Act has also proven to be a powerful mechanism to confront violent bigotry, increasing public awareness of the problem and sparking improvements in the local response of the criminal justice system to hate violence – since in order to effectively report hate crimes, police officials must be trained to identify and respond to them.

The FBI documented 7,175 hate crimes reported by 16,149 law enforcement agencies across the country – the highest level of participation since the enactment of the HCSA, and a 6 percent increase over 2016 participation of 15,254. Of the 7,175 total incidents:

- Religion-based crimes increased 23 percent, from 1,273 in 2016 to 1,564 in 2017 – the second highest number of religion-based crimes ever [only 2001, after 9/11, recorded more – 1,828].

- Crimes directed against Jews increased 37% – from 684 in 2016 to 938 in 2017. Crimes against Jews and Jewish institutions were slightly more than 13 percent of all reported hate crimes – and 60 percent of the total number of reported religion-based crimes. Every year since 1991, crimes

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[2] ADL, *2018 Audit of Anti-Semitic Incidents,* https://www.adl.org/audit2018, April 2019.
[3] FBI, *2017 Hate Crime Statistics*, 2017 https://ucr.fbi.gov/hate-crime/2017, November 2018.

against Jews and Jewish institutions have been between 50 and 80 percent of all religion-based hate crimes.

- Race-based crimes were the most numerous (as they have been every year since 1991), totaling 4,131 crimes, almost 58 percent of the total. Crimes against African-Americans, as always, were the plurality of these crimes – 2,013, about 28 percent of all reported hate crimes.

- Reported crimes against Muslims decreased 11 percent, from 307 in 2016 to 273 in 2017. However, the 273 anti-Muslim hate crimes recorded was the highest reported number of crimes against Muslims ever – behind 2016's 307 and 481 in 2001, after the 9/11 terrorist attacks.

- Crimes directed against LGBTQ people increased from 1,076 in 2016 to 1,130 in 2017. Crimes directed against individuals on the basis of their gender identity decreased slightly, from 124 in 2016 to 119 in 2017, slightly less than two percent of all hate crimes.

Importantly, only 2,040 of the 16,149 reporting agencies – less than 13 percent – reported one or more hate crimes to the FBI. That means that about 87 percent of all participating police agencies affirmatively reported zero (0) hate crimes to the FBI (including at least 92 cities over 100,000). And more than 1,000 law enforcement agencies did not report any data to the FBI (including 9 cities over 100,000).

Moreover, we need to remember that these are only reported crimes. Many communities and individuals do not feel comfortable going to law enforcement for a variety of reasons, so there is likely an undercount of hate crimes resulting from unwillingness to report.

The Role of Online Platforms in White Supremacist Violence

The real-world violence of extremists does not emerge from a vacuum. In many cases the hatred that motivates extremist violence, and especially these documented white supremacist murders, is nurtured in online forums such as Gab, 4chan, 8chan, and other platforms.[4]

Extremist groups are empowered by access to the online world; the internet amplifies the hateful voices of the few to reach millions around the world. The online environment also offers community: while most extremists are unaffiliated with organized groups, online forums allow isolated extremists to become more active and involved in virtual campaigns of ideological recruitment and radicalization. As internet proficiency and the use of social media are nearly universal, the efforts of terrorist and extremist movements to exploit these technologies and platforms to increase the accessibility of materials that justify and instigate violence are increasing exponentially. Both terrorist and extremist movements, here at home and abroad, use online and mobile platforms to spread their messages and to actively recruit adherents who live in the communities they target.

Individuals can easily find sanction, support, and reinforcement online for their extreme beliefs or actions, and in some cases neatly packaged alongside bomb-making instructions. This enables adherents like violent white supremacist mass shooters such as Bowers to self-radicalize without face-to-face contact with an established terrorist group or cell.

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[4] Anti-Defamation League, " Hatechan: The Hate and Violence-Filled Legacy of 8chan," *ADL Blog*, August 7, 2019, https://www.adl.org/blog/hatechan-the-hate-and-violence-filled-legacy-of-8chan; ADL, *Gab and 8chan: Home to Terrorist Plots Hiding in Plain Sight,* https://www.adl.org/resources/reports/gab-and-8chan-home-to-terrorist-plots-hiding-in-plain-sight.

Perhaps the most important contributor to the subculture of white supremacists are the so-called "imageboards," a type of online discussion forum originally created to share images. One of the most prominent is 4chan, a 15-year-old imageboard whose influence extends far beyond the alt right, as a key source of internet memes. Its /pol subforum is a disturbing site, an anarchic collection of posts that range from relatively innocuous to highly offensive, with most users posting content anonymously.

Due in part to its extremely lax content moderation policies, 4chan has become home to many racists and openly and vocal white supremacists. Some of its imitators, such as 8chan, lean even more towards racism and white supremacy. Parts of Reddit, a popular website that contains a massive collection of subject-oriented discussion threads, also share the "chan" subculture.

ADL has assessed that individuals do not primarily utilize 8chan for sharing hateful images and messages, but they also use it to turn real-world killings into entertainment, canonizing the perpetrators of previous massacres and keeping track of their respective body counts, like scores in a video game.

The current ADL assessment is that at its core, 8chan is a haven for both violent daydreamers and real-life murderers to virtually meet, network and recruit more followers. This intersection poses considerable risk both online and in the physical world.

Patrick Crusius, the alleged El Paso shooter charged with killing 22 people and injuring many more, is believed to have posted a four-page manifesto to 8chan prior to the attack. His justification for the deadly spree was that he was defending his country from "cultural and ethnic replacement brought on by an invasion."[5]

One of the most telling elements of Crusius's post is that in it, he also expressed support for Australian, white supremacist, mass-murderer Brenton Tarrant, the accused shooter in the March 2019 mosque attacks in Christchurch, New Zealand that left 51 people dead.[6]

Like the El Paso shooter, we assess that Tarrant likely turned to 8chan to post what he referred to as a "explanation" for his deadly rampage, providing links to his own manifesto, which he called "The Great Replacement." In it, he fixated on the white supremacist theory that white European society will be overrun by migration from Muslim and African nations.[7]

In his manifesto, Tarrant addressed the 8chan community directly – as if they were co-conspirators – explicitly directing them to "do your part."

Just one month later, someone did. Before his massacre at the Chabad Congregation in Poway, California, the shooter posted a link to his own manifesto on 8chan, offering the same kind of white supremacist tropes and cited the Christchurch and Pittsburgh shooters for inspiring his own deadly attacks.

Three white supremacist manifestos, three killing sprees. One targeted Muslims, another Jews, the third Latinx and immigrants. What these three men had in common was 8chan, the platform for their final messages.

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[5] Anti-Defamation League, "Mass Shooting in El Paso: What We Know," *ADL Blog*, August 4, 2019, https://www.adl.org/blog/mass-shooting-in-el-paso-what-we-know.
[6] Ibid.
[7] Anti-Defamation League, "White Supremacist Terrorist Attacks at Mosques in New Zealand," March 15, 2019, https://www.adl.org/blog/white-supremacist-terrorist-attack-at-mosques-in-new-zealand.

While the most extreme forms of online content normally thrive on platforms like 8chan, Gab, and 4chan, larger social media platforms like Facebook, Twitter, and YouTube must also remain vigilant. Extremists leverage larger mainstream platforms to ensure that the hateful philosophies and messages that begin to germinate on message boards like Gab and 8chan find a new and much larger audience. Twitter's 300 million users and Facebook's 2.4 billion dwarf the hundreds of thousands on 8chan and Gab. Extremists make use of mainstream platforms in specific and strategic ways to exponentially increase their audience while avoiding content moderation activity that Facebook and Twitter use to remove hateful content. These include creating private pages and events, sharing links that directly lead users to extreme content on websites like 8chan and using coded language called "dogwhistles" to imply and spread hateful ideology while attempting to circumvent content moderation systems.

Since the white supremacist rally in Charlottesville in 2017 and subsequent attacks and murders by extremists to date, there have been many well-publicized efforts by the technology and social media companies that run mainstream social platforms and services to stem the tide of hate and extremism online. After Charlottesville, tech companies ranging from large social platforms like Facebook to payment processors like Paypal to cybersecurity services like Cloudflare took action to expel white supremacists from their services. Even so, these same companies and others in this market sector have been forced to repeatedly respond to violent white supremacist activity on their platforms in the past 12 months. The Christchurch video was streamed on Facebook live, leading Facebook to change its livestreaming policy.[8] Paypal provided payment services to the fringe platform Gab, where the Pittsburgh shooter was believed to be radicalized, but cut off its services after the massacre.[9] Cloudflare provided cybersecurity services to 8chan, and publicly cut it off after the site was implicated in the shooting in El Paso (among others).[10] Although it appears that these companies and others took significant action to address white supremacy and hate in 2017 and claim to have continued to do so, ADL assesses that the above-mentioned platforms are still being abused, including today, by people espousing this hateful and violent ideology even two years later.

Scoping the Problem

One of the key drivers of these complicated and at times deadly issues is the size and scale of these platforms. For example, on Twitter approximately 6,000 tweets are posted every second and approximately 500 million tweets are posted every day. If the company's policies and systems operated at 99% effectiveness in detecting and responding to violent hate and extremist rhetoric, that would still leave five million tweets unaddressed every day. Imagine that each of those tweets, on the low end, reached just 60 people: those tweets would reach the number of people equal roughly to the population of the United States (330 million people) every day.

The policies and systems of these companies are very likely not operating with a high degree of accuracy, leaving possibly millions of users exposed and impacted by hateful and extreme content every day. As an example, YouTube in June 2019 announced a policy change focusing on prohibiting white nationalist and other extremist content from existing on its platform.[11] In August 2019, an ADL investigation found a number of prominent white nationalists and other forms of hateful extremists still active and easily found

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[8] "Christchurch Attacks: Facebook Curbs Live Feature," *BBC News,* May 15, 2019, https://www.bbc.com/news/technology-48276802.

[9] Adam Smith, "GoDaddy and PayPal Ban Gab After Pittsburgh Shooting," *PCMag,* October 28, 2018, https://www.pcmag.com/news/364650/godaddy-and-paypal-ban-gab-after-pittsburgh-shooting.

[10] Matthew Prince, "Terminating Service for 8chan," *Cloudflare,* August 5, 2019, https://blog.cloudflare.com/terminating-service-for-8chan/.

[11] Casey Newton, "YouTube Just Banned White Supremacist Content, and Thousands of Channels are About to be Removes," *The Verge,* June 5, 2019, https://www.theverge.com/2019/6/5/18652576/youtube-supremacist-content-ban-borderline-extremist-terms-of-service.

on the platform, despite the policy change.[12] Similarly, after Facebook very publicly banned Alex Jones from its platforms in May 2019, Jones was quickly able to shift his operations to another account on the platform.[13] These instances raise alarming questions about the degree to which social media platforms, through their own internal policies and systems, are able to meaningfully detect, assess, and act on hateful content at the global scale their platforms operate.

The U.S. Congress and American public admittedly have limited knowledge of just how well platforms are dealing with the problem of white supremacist extremism. To evaluate their efforts, civil society organizations like ADL can conduct limited external research similar to the manner mentioned above, in which we use the platform information that is publicly available to objectively assess the stated actions and policy implications of a given platform. Or we can look to the platforms' own limited efforts at transparency about their policies and practices. The mainstream social media platforms have several potentially relevant metrics related to the issue of extremism, especially white supremacist extremism, that they share in their regular transparency reports. These differ slightly as described by each platform. The metrics are self-reported by the companies, and there is no way to fully understand the classification of content categories outside of the brief descriptions given by the platforms as part of this reporting.

For example, the platforms provide information related to terrorism. Facebook reported 6.4 million pieces of content related to terrorist propaganda removed from January to March 2019. This may seem meaningful, but it is not a particularly insightful datapoint. Typically, the social media platform companies are only looking at international terrorism from designated groups such as Al Qaeda and ISIS and are not including white supremacist violence and related activity as part of this terrorism classification.

White supremacist content could fall under the category of hate speech or violent content on a platform. Twitter reported 250,806 accounts actioned for hateful conduct and 56,577 accounts actioned for violent threats from July to December 2018. Yet a wide variety of other types of content not associated with extremism or white supremacy might also fall in this category, making it difficult to glean meaningful analysis about white supremacist content from these metrics.

Additionally, when Facebook claims in its transparency report that it took action on four million pieces of hate speech from January to March 2019, it is difficult to understand what this means in context as we do not know how that compares to the level of hate speech reported to them, which communities are impacted by those pieces of content, or whether any of that content is connected with extremist activity on other parts of their platform.

In order to truly assess the problem of hate and extremism on social media platforms, technology companies must provide meaningful transparency with metrics that are agreed upon and verified by trusted third parties, like ADL, and that give actionable information to users, civil society groups, governments, and other stakeholders. Meaningful transparency will allow stakeholders to answer questions such as: "How significant is the problem of white supremacy on this platform?" "Is this platform safe for people who belong to my community?" "Have the actions taken by this company to improve the problem of hate and extremism on their platform had the desired impact?" Until tech platforms take the collective actions to come to the table with external parties and meaningfully address

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[12] Anti-Defamation League, "Despite YouTube Policy Update, Anti-Semitic, White Supremacist Channels Remain," *ADL Blog*, August 15, 2019, https://www.adl.org/blog/despite-youtube-policy-update-anti-semitic-white-supremacist-channels-remain.

[13] Craig Timberg, "Alez Jones Banned from Facebook? His videos are still there - and so are his followers," *The Washington Post*, November 5, 2018, https://beta.washingtonpost.com/technology/2018/11/05/alex-jones-banned-facebook-his-videos-are-still-there-so-are-his-followers/.

these kinds of questions through their transparency efforts, our ability to understand the extent of the problem of hate and extremism online, or how to meaningfully and systematically address it, will be extremely limited.

What We Know About Online Hate and Harassment

One way in which ADL has tried to address this gap in knowledge is by conducting a national representative survey on the hate and harassment experienced by Americans online. Our survey found that over half of respondents (53%) experienced some type of online harassment; 37% of American adults reported experiencing severe harassment (including physical threats, sexual harassment, stalking and sustained harassment), up from 18% in 2017.[14]

We also found that identity-based harassment was most common against LGBTQ+ individuals, with 63% of LGBTQ+ respondents experiencing harassment because of their sexual orientation. Religious-based harassment was very common against Muslims (35%) and, to a lesser extent, Jewish (16%) respondents. Harassment was also common among other minority groups, with race-based harassment affecting 30% of Hispanics or Latinos, 27% of African-Americans, and 20% of Asian-Americans. Finally, women also experienced harassment disproportionately, with gender identity-based harassment affecting 24% of female-identified respondents, compared to 15% of male-identified.[15]

Hate and harassment are also endemic to online games. Fifty-three percent of the total population of the United States and 64 percent of the online population of the United States plays video games. Following our wider online survey, we surveyed Americans who play online games and found that 74% of respondents experienced some form of harassment while playing games online. Sixty-five percent of players experienced some form of severe harassment, including physical threats, stalking, and sustained harassment.[16]

We are also seeing an increase in extremist and white supremacist content within online games and gaming forums. Scholars have observed white supremacist recruiters actively prey on disaffected youth within the gaming community, and use these channels to plant seeds of hate by invoking sentiments of "us versus them." Our survey found that nearly a quarter of players (23%) are exposed to discussions about white supremacist ideology and almost one in ten (9%) are exposed to discussions about Holocaust denial in online multiplayer games. These are alarming insights into an industry that has managed to avoid the intense media scrutiny that more traditional social media platforms have experienced.[17]

Online hate and harassment, whether carried out by extremists or simply by those who feel freer to harm others by the distance and anonymity of being online have real-life, sometimes devastating consequences. Our online game survey found that 23% of harassed players become less social and 15% felt isolated as a result of in-game harassment. One in ten players had depressive or suicidal thoughts as a result of harassment in online multiplayer games, and nearly one in ten took steps to reduce the threat to their physical safety (8%).[18] Alarmingly, nearly a third of online multiplayer gamers (29%) had been doxed – had their personal information shared with the goal of harassment.[19]

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[14] ADL, *Online Hate and Harassment: The American Experience*, 2019, https://www.adl.org/onlineharassment.
[15] Ibid.
[16] ADL, *Free to Play? Hate, Harassment, and Positive Social Experiences in Online Games*, July 2019, https://www.adl.org/free-to-play, page 18.
[17] Ibid, page 7.
[18] Ibid, page 27.
[19] Ibid, page 18.

Our wider survey found that among those who had been targeted, or feared being targeted, approximately 38% stopped, reduced or changed their activities online, such as posting less often, avoiding certain sites, changing privacy setting, deleting apps, or increasing filtering of content or users. Some 15% took steps to reduce risk to their physical safety, such as moving locations, changing their commute, taking a self-defense class, avoiding being alone, or avoiding certain locations.[20]

Our survey also found societal consequences among respondents. More than half (59%) said that online hate and harassment were making hate crimes more common, and half said that they are increasing the use of derogatory language. More than one-third (39%) thought that online hate and harassment are making young Americans lose faith in the country, and 30% believed that they are making it harder to stand up to hate. Some felt less comfortable in their more immediate environments: approximately 22% of Americans report that online hate and harassment makes them feel less safe in their community while 18% feel that it makes family members trust each other less.[21]

Critically, those surveyed wanted to see private technology companies take action to counter or mitigate online hate and harassment. Eighty-four percent said that platforms should do more, including making it easier for users to filter (81%) and report (76%) hateful and harassing content. In addition, Americans want companies to label comments and posts that appear to come from automated "bots" rather than people. Finally, a large percentage of respondents were in favor of platforms removing problematic users as well as having outside experts independently assess the amount of hate on a platform.[22]

Over 80% of those surveyed wanted government to act by strengthening laws and improving training and resources for police on cyberhate. Strong support exists for these changes regardless of whether an individual has previously experienced online hate and harassment and regardless of political belief. Although respondents identifying as liberal reported even greater agreement with the actions, those identifying as conservatives overwhelmingly supported all the actions as well.[23]

Moving Forward: Policy Recommendations to Counter the Threat

1. **Bully Pulpit**
   The President, cabinet officials, and Members of Congress must call out bigotry *at every opportunity*. The right to free speech is a core value, but the promotion of hate should be vehemently rejected. Simply put, you cannot say it enough: America is no place for hate.

2. **Enforcement of Existing Laws**
   The Administration must send loud, clear, and consistent messages that violent bigotry is unacceptable and ensure that the FBI and the Justice Department's Civil Rights Division will enforce relevant federal laws and vigorously investigate and prosecute hate crimes.

3. **Improve Federal Hate Crime Training and Data Collection**
   The Department of Justice should incentivize and encourage state and local law enforcement agencies to more comprehensively collect and report hate crimes data to the FBI, with special attention devoted to large underreporting law enforcement agencies that either have not participated in the FBI Hate Crime Statistics Act program at all or have affirmatively and not credibly reported zero hate crimes. More comprehensive, complete hate crime reporting can deter hate violence and advance police-community relations.

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[20] ADL, *Online Hate and Harassment: The American Experience.*
[21] Ibid.
[22] Ibid.
[23] Ibid.

In addition, the administration, DHS and DOJ should take steps to ensure that it is efficient and safe for all victims of hate crimes to contact the police. If marginalized or targeted community members – including immigrants, people with disabilities, LGBTQ community members, Muslims, Arabs, Middle Easterners, South Asians and people with limited language proficiency – cannot report, or do not feel safe reporting hate crimes, law enforcement cannot effectively address these crimes, thereby jeopardizing the safety of all.

4. **Legislation to Address White Supremacy and Domestic Terrorism**
   Congress must act to counter the threat of domestic terrorism and prevent more attacks. No legislative action is perfect, but inaction should not be an option. Congress should enact the following measures:

   o Domestic Terrorism Prevention Act (DTPA) (S. 894/ HR 1931)
     This legislation would enhance the federal government's efforts to prevent domestic terrorism by authorizing into law the offices addressing domestic terrorism, and would require federal law enforcement agencies to regularly assess those threats. The bill would also provide training and resources to assist non-federal law enforcement in addressing these threats, requiring DOJ, DHS, and the FBI to provide training and resources to assist state, local, and tribal law enforcement in understanding, detecting, deterring, and investigating acts of domestic terrorism.

   o Domestic Terrorism Documentation and Analysis of Threats in America (DATA) Act (HR 3106)
     Data on extremism and domestic terrorism is being collected by the FBI, but not enough, and the reporting is insufficient and flawed. Data drives policy; we cannot address what we are not measuring. The DATA Act focuses on increasing the coordination, accountability, and transparency of the federal government in collecting and recording data on domestic terrorism.

   o The Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2019 (NO HATE Act of 2019 S. 2043/ H.R. 3545)
     This legislation would authorize incentive grants to spark improved local and state hate crime training, prevention, best practices, and data collection initiatives – including grants for state hate crime reporting hotlines to direct individuals to local law enforcement and support services.

   o Disarm Hate Act (S.1462/H.R.2708)
     This legislation would close the loophole that currently permits the sale of firearms to individuals who have been convicted of threatening a person based on their race, religion, gender, sexual orientation, or disability. The measure would prohibit individuals convicted of a misdemeanor hate crime from obtaining a firearm.

   In addition, more consideration is needed for two additional initiatives that could help address white supremacy and domestic terrorism in the United States.

   o Congress should examine whether a rights-protecting domestic terrorism criminal charge is needed – and could be appropriately crafted. Our federal legal system currently lacks the means to prosecute a white supremacist terrorist as a terrorist. Perpetrators can be prosecuted for weapons charges, acts of violence (including murder), racketeering, hate crimes, or other criminal violations. But we cannot legally prosecute them for what they are: terrorists. Many experts have argued that, without being so empowered, there is a danger that would-be domestic terrorists are more likely to be charged with lesser crimes and subsequently receive lesser sentences. Congress should begin immediate hearings and consultations with legal and policy experts, marginalized communities, and law enforcement professionals on whether it is possible to craft a rights-protecting domestic terrorism statute. Any statute Congress would seriously consider should

include specific, careful Congressional and civil liberties oversight to ensure the spirit of such protections are faithfully executed.

o The State Department should examine whether certain white supremacist groups operating abroad meet the specific criteria to be subject to sanctions under its Designated Foreign Terrorist Organization (FTO) authority. The criteria, set out in 8 U.S.C. § 1189(a)[1] are: (1) the organization must be foreign; (2) the organization must engage in terrorist activity or retain the capability and intent to engage in terrorist activity or terrorism; and (3) the terrorist activity or terrorism of the organization must threaten the security of U.S. nationals or the national security of the U.S.

None of the current 68 organizations on the FTO list is a white supremacist organization.[2] And while the possibility of designating white supremacist organizations under the State Department's FTO authority holds promise, there are some important considerations that must be taken into account.

First, while several countries have added white supremacist groups to their own designated terrorist lists in recent days – including Canada[3] and England[4] – white supremacist groups do not operate exactly like other FTOs, such as ISIS and al-Qaeda. For example, individual white supremacists that carry out attacks – wherever they are – very rarely receive specific operational instructions from organized white supremacist groups abroad to carry out these attacks.

These groups generally do not have training camps in Europe or elsewhere where individuals travel to learn tactics and then return home to carry out an attack. Instead, individuals in the United States are typically motivated to act based on their own white supremacist ideology, which primarily stems from domestic sources of inspiration but which can sometimes also stem from inspirational sources abroad – including the violent actions of white supremacists – whether that foreign source is associated with an organization or not.

Second, in the United States, unlike in Canada and England, the First Amendment provides unique, broad protection for even the most vile hate speech and propaganda. While clearly criminal conduct would not be protected under the First Amendment, a great deal of non-criminal association, speech, and hateful propaganda would be protected speech. The First Amendment's assembly and speech protections would not permit designation of white supremacist organizations operating here, but designating *foreign* white supremacist groups could make knowingly providing material support or resources to them a crime – extending authority for law enforcement officials to investigate whether such a crime is being planned or is occurring.[5]

[1] "8 U.S. Code § 1189.Designation of foreign terrorist organizations," Cornell Law School Legal Information Institute, accessed September 16, 2019; (https://www.law.cornell.edu/uscode/text/8/1189)

[2] State Department, "Foreign Terrorist Organizations," accessed September 16, 2019; (https://www.state.gov/foreign-terrorist-organizations/)

[3] Harmeet Kaur, "For the first time, Canada adds white supremacists and neo-Nazi groups to its terror organization list," *CNN*, June 28, 2018, (https://www.cnn.com/2019/06/27/americas/canada-neo-nazi-terror-organization-list-trnd/index.html)

[4] Emma Lake, "Terror Crackdown: Which terror groups are banned under UK law and when was National Action added to the list?" *The Sun (UK)*, October 26, 2017 (https://www.thesun.co.uk/news/4569388/banned-terror-groups-uk-national-action)

[5] Mary B. McCord, "White Nationalist Killers Are Terrorists. We Should Fight Them Like Terrorists," *Washington Post*, Aug. 8, 2019, (https://www.washingtonpost.com/outlook/white-nationalist-killers-are-terrorists-we-should-fight-them-like-terrorists/2019/08/08/3f8b761a-b964-11e9-bad6-609f75bfd97f_story.html)

5. **Address Online Hate and Harassment**

   o <u>Strengthen laws against perpetrators of online hate</u>
   Hate and harassment translate from real-world to online spaces, including in social media and games, but our laws have not kept up. Many forms of severe online misconduct are not consistently covered by cybercrime, harassment, stalking and hate crime law. Congress has an opportunity to lead the fight against cyberhate by increasing protections for targets as well as penalties for perpetrators of online misconduct. Some actions Congress can take include revising Federal law to allow for penalty enhancements based on cyber-related conduct; updating federal stalking and harassment statutes' intent requirement to account for online behavior; and legislating specifically on cybercrimes such as doxing, swatting, non-consensual pornography, and deepfakes.

   o <u>Urge social media platforms to institute robust governance</u>
   Government officials have an important role to play in encouraging social media platforms to institute robust and verifiable industry-wide self-governance. This could take many forms, including Congressional oversight or passing laws that require certain levels of transparency and auditing. The internet plays a vital role in allowing for innovation and democratizing trends, and that should be preserved. At the same time the ability to use it for hateful and severely harmful conduct needs to be effectively addressed.

   o <u>Improve training of law enforcement</u>
   Law enforcement is a key responder to online hate, especially in cases when users feel they are in imminent danger. Increasing resources and training for these departments is critical to ensure they can effectively investigate and prosecute cyber cases and that targets know they will be supported if they contact law enforcement.

6. **Platform Responsibility to Address Online Hate and Harassment**

   o **Terms of Service**
   Every social media and online game platform must have clear terms of service that address hateful content and harassing behavior, and clearly define consequences for violations. These policies should state that the platform will not tolerate hateful content or behavior based on protected characteristics. They should prohibit abusive tactics such as harassment, doxing and swatting. Platforms should also note what the process of appeal is for users who feel their content was flagged as hateful or abusive in error.

   o **Responsibility and Accountability**
   Social media and online game platforms should assume greater responsibility to enforce their policies and to do so accurately at scale. They should improve the complaint and flagging process so that it provides a more consistent and speedy resolution for targets. They should lessen the burden of the complaint process for users, and instead proactively, swiftly, and continuously addressing hateful content using a mix of artificial intelligence and humans who are fluent in the relevant language and knowledgeable in the social and cultural context of the relevant community.

   Additionally, given the prevalence of online hate and harassment, platforms should offer far more services and tools for individuals facing or fearing online attack. They should provide greater filtering options that allow individuals to decide for themselves how much they want to see likely hateful comments. They should consider the experience of individuals who are being harassed in a coordinated way, and be able to provide aid to these individuals in meaningful ways. They

should allow users to speak to a person as part of the complaint process in certain, clearly defined cases. They should provide user-friendly tools to help targets preserve evidence and report problems to law enforcement and companies.

o **Governance and Transparency**
Perhaps most importantly, social media and online game platforms should adopt robust governance. This should include regularly scheduled external, independent audits so that the public knows the extent of hate and harassment on a given platform. Audits should also allow the public to verify that the company followed through on its stated actions and assess the effectiveness of company efforts over time. Companies should provide information from the audit and elsewhere through more robust transparency reports. Finally, companies should create independent groups of experts from relevant stakeholders, including civil society, academia and journalism, to help provide guidance and oversight of platform policies.

Beyond their own community guidelines, transparency efforts and content moderation policies, features available on social media and online game platforms need to be designed with anti-hate principles in mind. Companies need to conduct a thoughtful design process that puts their users first, and incorporates risk and radicalization factors before, and not after, tragedy strikes. Today, the most popular method of developing technology tools is through a Software Prototyping approach: an industry-wide standard that prompts companies to quickly release a product or feature and iterate on it over time. This approach completely devalues the impact of unintended design consequences. For example, the Christchurch shooter used Facebook's livestreaming feature to share his attack with the world. The feature could have been designed to limit or lock audiences for new or first-time streamers or prevent easy recording of the video.

These kinds of attacks, designed to leverage social media to attract maximum attention and encourage the next attack, force us to reassess the threat of hateful echo chambers like 8chan as well as the exploitable features in mainstream platforms like Facebook — and how they help drive extremist violence.

Conclusion

ADL data clearly and decisively illustrates that hate is rising across America. Hate has found fertile ground on online platforms, which disrupt societal norms, lowering the barrier of entry to peddlers of hate by making it anonymous and virtual. The internet also gives extremists a platform and amplifies their reach, giving them easy access to each other and to those who might be radicalized.

All technology and social media companies have a responsibility to address this hate, through the tools they use, the guidelines they set, the transparency they offer, their engagement with civil society and the way they design their platforms.

But we cannot solve the scourge of hate in America simply by fixing online platforms. First, everyone who has a bully pulpit must speak out against such hate. We must also look at our education systems, at our law enforcement capacity and training and at our laws. And we must hold perpetrators accountable for the harm that they cause online and off.

Addendum: Ideological Extremist shooting sprees, 2009-2019

The following is a sampling of white supremacist shooting sprees which took place between 2009 and 2019 compiled by ADL's Center on Extremism. More information and statistics about extremist violence of all ideological backgrounds in the U.S. is available at https://www.adl.org/education-and-resources/resource-knowledge-base/adl-heat-map

El Paso, Texas, August 2019. White supremacist Patrick Crusius was arrested following one of the deadliest white supremacist attacks in modern U.S. history, a shooting spree at an El Paso Wal-Mart targeting people of perceived Mexican origin or ancestry that left 22 dead and 24 injured.

Gilroy, California, July 2019. Santino Legan opened fire at the Gilroy Garlic Festival killing 3 and injuring 15 before being fatally wounded by police. In an Instagram post, which appears to have been made by Legan, he asked why towns were overcrowded and open space paved over to make room for "hoards [sic] of mestizos and Silicon Valley white tw*ts." Legan also urged people to read the book Might is Right, by Ragnar Redbeard. Might is Right, or The Survival of the Fittest is a book argues in favor of self-interest and the primacy of the individual. It also attacks Christianity and Judaism, as religions that weaken people; non-Anglo-Saxons, as lesser races; women, as greatly inferior beings compared to men; urban-dwellers, as weak creatures; and the American concept of government based on the notion that all people are created equal.

Poway, California, April 2019. White supremacist John T. Earnest allegedly opened fire at a synagogue in Poway, California, killing one person and injuring three before fleeing. He was reportedly emulating white supremacist Brenton Tarrant's killing spree in New Zealand in March 2019. Shortly after Tarrant's spree, Earnest allegedly set fire to a mosque in Escondido, California, leaving behind graffiti that referenced Brenton Tarrant's attack. People inside the mosque were able to put out the fire. Earnest's connection to the Escondido mosque attack was not known before the Poway attack.

Pittsburgh, Pennsylvania, October 2018. White supremacist Robert Bowers murdered 11 people and injured seven more, including four police officers, during services at the Tree of Life Synagogue. Bowers was a virulent anti-Semite who, among other things, blamed Jews for orchestrating the immigration of non-whites into the United States.

Parkland, Florida, February 2018. Nikolas Cruz launched a deadly shooting spree at his former high school, Marjory Stoneman Douglas High School, killing 17 people and wounding 17 more. According to CNN, Cruz, 19, belonged to a racist Instagram group and hated blacks and Jews, even claiming Jews wanted to destroy the world. Cruz also allegedly referred to women who engaged in interracial relationships as "traitors." A South Florida Sun-Sentinel article reported that Cruz had racist and Nazi symbols on his backpack and that he had etched swastikas onto ammunition magazines left behind at the school after the shooting. However, little evidence has so far emerged to suggest that the MSDHS shooting spree itself was conducted as a white supremacist attack.

Reston, Virginia, December 2017. Accused white supremacist teen Nicholas Giampa allegedly shot and killed his girlfriend's parents after they became upset by his rumored neo-Nazi views. Giampa, was, at the very least, influenced by Atomwaffen and praised Mason's book, Siege, a book based on a collection of newsletters written by neo-Nazi James Mason in the 1980's. Giampa retweeted material from the "Siege Culture" website and at least one Atomwaffen photo. He also admired someone named "Ryan Atomwaffen" for his white supremacist book collection.

Aztec, New Mexico, December 2017. White supremacist David Atchison disguised himself as a student in order to conduct a school shooting at a local high school, where he killed two students before killing himself.

Mesa, Arizona, March 2015. White supremacist Ryan Elliott Giroux killed one and injured five others during a shooting spree in Mesa. The shootings began at a hotel where two people were shot, one fatally. Giroux then went to a nearby restaurant where he shot a woman and stole a car. Other shootings occurred as he tried to evade apprehension.

Charleston, South Carolina, June 2015. White supremacist Dylann Storm Roof conducted a deadly shooting spree at the AME Emanuel Church in Charleston, killing nine people. Roof deliberately targeted the church because its parishioners were African-American; he hoped to incite a "race war" that he thought whites would win. Roof had written a racist and anti-Semitic manifesto prior to carrying out the attack. Both federal and state authorities charged Roof in connection with the massacre; in January 2017, Roof was convicted of the federal charges against him and sentenced to death.

Lafayette, Louisiana, July 2015. White supremacist John Russell Houser killed himself after conducting a vicious shooting spree at a movie theater in Lafayette, Louisiana, that left two people dead and nine others injured. Houser, obsessed at the perceived moral decay of the United States, may have chosen the movie theater as his target because it was showing the Amy Schumer movie Trainwreck.

Minneapolis, Minnesota, November 2015. Police arrested Allen "Lance" Scarsella in November 2015 after Scarsella and others travelled to a Black Lives Matter protest in north Minneapolis, where Scarsella opened fire on protesters there, shooting five people, though none fatally. During his trial in early 2017, prosecutors showed jurors text messages in which Scarsella had described his intent to kill black people. Scarsella was convicted of 12 counts of first-degree assault and one count of riot.

Austin, Texas, November 2014. Larry Steve McQuilliams of Austin, Texas, a suspected adherent of the racist and anti-Semitic religious sect known as Christian Identity, launched a shooting attack in downtown Austin, Texas, firing over 100 rounds of ammunition at targets including the Austin Police Department, a federal court house and the Mexican consulate. According to police reports, McQuilliams had improvised explosive devices, a map of 34 other targets, including churches, and a copy of the Christian Identity-related book Vigilantes of Christendom: The Story of the Phineas Priesthood in his rental van. McQuilliams died at the scene after an Austin police officer shot him at long range.

Overland Park, Kansas, April 2014. Long-time Missouri white supremacist Frazier Glenn Miller launched an attack on Jewish institutions in the greater Kansas City area, opening fire at two institutions in a shooting spree that took the lives of three people, including one child, before police were able to take him into custody. Miller told police and the media that he launched the attacks "for the specific purpose of killing Jews." Prosecutors have indicted Miller on capital murder charges.

Oak Creek, Wisconsin, August 2012. Racist skinhead Wade Michael Page opened fire at a Sikh temple in Oak Creek, Wisconsin, killing six people and wounding four others, including a police officer responding to the shootings. Page killed himself at the scene after being shot by police. Page was a member of the Hammerskins, a racist skinhead group. He also played in the white power bands End Apathy and Definite Hate.

Washington, Oregon, and California, September 2011. White supremacists David Pedersen and Holly Grigsby engaged in a multi-state killing spree that resulted in four murders in three states. The couple murdered Pedersen's father and stepmother in Washington, a white man in Oregon as part of a carjacking, and an African-American male in California as part of another carjacking. In court, Pederson said he

targeted the Oregon man because he believed he was Jewish and the Californian man because he was black. After their arrest, the couple admitted they had been headed to Sacramento to find a prominent Jewish person to kill.

Washington, D.C., June 2009. White supremacist James von Brunn attacked the United States Holocaust Memorial Museum in Washington, D.C., entering the facility and opening fire on security guards inside, shooting and killing one of them. Two other security guards returned fire, wounding von Brunn and preventing further deaths. Von Brunn was arrested and charged with murder. He died of natural causes while awaiting trial.

Boston, Massachusetts, January 2009. White supremacist Keith Luke embarked upon a spree of murderous violence against ethnic and religious minorities in the Boston area in early 2009. He raped and shot an African immigrant, and shot and killed her sister, who had tried to help her. Shortly thereafter, he shot and killed a homeless African immigrant. Although he planned to go to a synagogue that evening to kill as many Jews as possible, then commit suicide, police intercepted him before he could do so. Luke fired at police during a chase before he crashed his vehicle. Police subsequently arrested him without incident. Luke was convicted of murder in 2013 and killed himself in prison the following year.