

# United States Senate

WASHINGTON, DC 20510

May 2, 2019

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

Dear Attorney General Barr and Director Wray:

We are deeply concerned that the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) are not taking adequate measures to combat white supremacist violence and instead are minimizing this growing domestic terrorism threat.

Last weekend, we witnessed another devastating incident of domestic terrorism. A 19-year-old man with an AR-15-style rifle allegedly yelled anti-Semitic slurs as he charged into the Chabad of Poway synagogue during a service celebrating the end of Passover. One worshipper was killed and three others were injured.

Unfortunately, this was not an isolated incident. In recent years, white supremacists have repeatedly targeted houses of worship, including the Sikh Temple of Wisconsin in Oak Creek, Wisconsin; Emanuel African Methodist Episcopal Church in Charleston, South Carolina; and the Tree of Life Synagogue in Pittsburgh, Pennsylvania. Indeed, violent white supremacists pose a global threat, as demonstrated by the horrific massacre of 50 Muslim worshippers at the Al Noor Mosque and Linwood Mosque in Christchurch, New Zealand.

It is clear that violent white supremacists are the most significant domestic terrorism threat facing our nation today. An unclassified May 2017 FBI-DHS joint intelligence bulletin found that “white supremacist extremism poses [a] persistent threat of lethal violence,” and that white supremacists “were responsible for 49 homicides in 26 attacks from 2000 to 2016 ... more than any other domestic extremist movement”. In February, U.S. Attorney for the Western District of Virginia Thomas Cullen wrote in a *New York Times* op-ed:

[W]hite supremacy and far-right extremism are among the greatest domestic-security threats facing the United States. Regrettably, over the past 25 years, law enforcement, at both the Federal and State levels, has been slow to respond. ...Killings committed by individuals and groups associated with far-right extremist groups have risen significantly.

Last week, DOJ and the FBI finally briefed Senate Judiciary Committee staff on the domestic terrorism threat, nearly six months after the briefing was requested. The briefing reinforced our concerns that

the Trump Administration is not taking this threat as seriously as it should be. At this briefing, DOJ and FBI officials made a stunning admission: the Trump Administration has shifted its approach to tracking domestic terrorism incidents to obfuscate the white supremacist threat.

For the past decade, the FBI used 11 different categories for domestic terrorism, including a separate category for white supremacist incidents. The Administration is now using a classification system with only four categories, including “racially-motivated violent extremism.” This new category inappropriately combines incidents involving white supremacists and so-called “Black identity extremists,” a fabricated term based on a faulty assessment of a small number of isolated incidents, which, according to the National Organization of Black Law Enforcement Executives, “resurrects the historically negative legacy of African American civil rights leaders who were unconstitutionally targeted and attacked by federal, state, and local law enforcement agencies for seeking full U.S. citizenship under the law.”

Given the large number of white supremacist attacks, we are deeply concerned that this reclassification downplays the significance of the white supremacist threat. The inherent problem with this approach was demonstrated by the fact that the briefers provided statistics on racially motivated violent extremism (since 2000, 62 percent of violent domestic terrorism incidents and 70 percent of fatal domestic terrorism incidents), but could not say how many involved white supremacist violence, other than to acknowledge they were “a majority” of the incidents. If we do not understand the scope of the problem, we cannot effectively address it.

We recently reintroduced a bill called the Domestic Terrorism Prevention Act. This bill – the only legislation pending in Congress to address this threat – would enhance the federal government’s efforts to prevent domestic terrorism by requiring federal law enforcement agencies to take a number of concrete steps, including:

- regularly assessing domestic terrorism threats in an annual report;
- focusing their limited resources on the most significant domestic terrorism threats; and
- providing training and resources to assist state, local, and tribal law enforcement in addressing these threats.

Prior to his confirmation, Senator Durbin asked Mr. Barr to commit to review the Domestic Terrorism Prevention Act and provide his feedback. He responded dismissively: “I am not familiar with the details of the legislation. If confirmed, I can commit to working with Committee regarding legislation that supports the Department’s mission and priorities.”

Given the urgency of this issue, please respond to the following questions as soon as possible and no later than May 23:

1.
  - a. What specific steps, if any, have you ordered DOJ and the FBI to take to respond to the threat of white supremacist violence?
  - b. How are DOJ and the FBI currently allocating counterterrorism resources to address this threat?
2.
  - a. How do you justify the change in tracking domestic terrorism incidents?

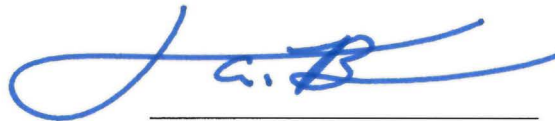
- b. Will you rescind this change and return to the long-standing practice of tracking white supremacist violence as a separate category of domestic terrorism incidents?
3. Will you take this opportunity to endorse the Domestic Terrorism Prevention Act?
4. After the New Zealand mosque massacre, President Trump was asked whether he thought white nationalism was a growing threat. He responded: "I don't, really ... I think it's a small group of people that have very, very serious problems, I guess." Do you agree with the President's remarks?

Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,



RICHARD J. DURBIN  
United States Senator



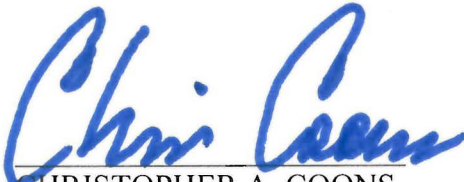
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