

July 6, 2021

Memorandum for: Jonathan Greenblatt, CEO

From: Ryan Greer, Dir. for National Security and Chief of Staff, Government Relations, Advocacy, and Community Engagement (GRACE)

Through: Max Sevilla, Vice President of Government Relations, Advocacy, and Community Engagement (GRACE)

Subject: Progress and Results in Implementing PROTECT

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## Overview

Since launching the [PROTECT Plan](#) in early February 2021, ADL staff quickly moved forward with several initiatives that have produced significant results, making this campaign one of the most impactful in ADL's recent history. And, hopefully, we've just begun. PROTECT has been the top priority of the Government Relations Advocacy and Community Engagement (GRACE) team, the Law Enforcement and Security (LES) department, our civil rights team and the regions. We have developed a PROTECT Regional Task Force to provide regional input and build regional solutions.

This memorandum outlines key achievements of PROTECT to-date, marking the six-month anniversary of the January 6<sup>th</sup> insurrection.

## Background

ADL has engaged with Congress (including staff) approximately 138 times and with the Biden Administration 23 times in the 20 weeks since PROTECT was launched. Around the country, ADL's regional offices, through lobby days we organized, have actively engaged with members of Congress (including both members and staff), and the regions have been actively meeting with law enforcement officials (local, state and federal), working with state Attorneys General, and meeting with local and state elected officials in support of PROTECT. The Glass Leadership Institute (GLI) program has engaged policymakers through 64 meetings, with four additional lobby days scheduled for the near future. This consistent engagement has played a major role in ensuring that extremism remains a top priority for policymakers.

ADL -- with its deep expertise on (i) domestic extremism, (ii) online hate and tech platforms, (iii) civil rights and liberties advocacy, (iv) policy-making knowhow in Washington, DC and in state governments; and (v) cross-country presence, with 25 regional offices -- stands at the forefront of civil society organizations on the issue. The PROTECT plan has showcased a full spectrum of counterterrorism initiatives that have also intentionally built in as key elements

civil society protections. For example, PROTECT does not include a new criminal domestic terrorism statute, opting instead to leverage and resource the multitude of existing authorities, and to focus political will and obtain sufficient resources to best fight violent domestic terrorism. This avoids the paralyzing political (and partisan) controversy around criminalizing domestic terrorism as a concept and focuses instead on what will achieve significant results in the short, medium and long term: focusing on actual domestic terrorism as it manifests itself as a national security threat and a threat to vulnerable communities. This approach has gained political ground.

The below provides a high-level summary of our work under each letter of the PROTECT Plan.

#### P: Prioritize Preventing and Countering Domestic Terrorism

At the federal level, ADL has asked that the Biden Administration and the U.S. Congress take on several measures to prioritize the threat of domestic extremism.

- ADL urged the Biden Administration to create a comprehensive, interagency strategy to address the threat. Not only did the Administration release the first-ever National Strategy on Countering Domestic Terrorism, but the substance of the strategy is remarkably similar to PROTECT. Recently the White House lead official on the issue presented to ADL on the Strategy. The Strategy moves forward on the overarching PROTECT ask, bringing together (1) the Administration's express naming of militia, anti-government and white supremacist extremists as the priority domestic national security threat with (2) the political will to engage across government, (3) to resource to the threat, and (4) to keep front and center the stated commitment (and key DOJ and DHS leadership buy-in) to incorporate and effectively respond to the civil rights and liberties concerns that must be part of any successful plan.
- We asked Congress to create a 9/11-style Commission to determine what happened on January 6th and how we can better address the broader movement, and supported a Select Committee, if a Commission was not possible for political reasons. ADL worked with Rep. Speier to introduce a bipartisan bill that would create a Commission and was vocal in backing Speaker Pelosi's efforts to generate bipartisan support for the Commission. Now that a committee has been formed, ADL remains well-positioned to engage with the Committee, in part due to our ongoing work on these issues with Members of Congress who are on the Committee. We helped it get established based on our early and consistent calls for such a committee.
- ADL had been calling for the White House to hold a summit with civil society leaders and organizations to discuss the threat and key issues. While not a "summit" per se, ADL has participated in White House listening sessions with civil society organizations, an effort the National Security Council (NSC) launched after our urging for civil society

voices – and particularly, organizations from the communities often targeted by domestic extremists, including civil rights groups -- to be engaged up-front as new policies are considered.

- ADL submitted appropriations requests to every Member of the House and Senate Appropriations Committees, calling for significant funding increases, including requests for every letter of PROTECT. The Biden Administration's budget subsequently adopted many of our requests, including terrorism prevention grants, which the Biden campaign had suggested that the Administration may discontinue (see below).
- ADL helped shepherd support for a bipartisan letter growing the Nonprofit Security Grant Program (NSGP), which Jewish institutions, as well as other faith institutions, can use to safeguard themselves against extremist threats.
- In January, Chair of the House Homeland Security Committee, Rep. Bennie Thompson participated in a Fighting Hate from Home webinar in the aftermath of January 6<sup>th</sup>, including a discussion of PROTECT priorities.
- In February, you testified in front of the House Homeland Security Committee and the Senate Policy and Communications Committee, highlighting PROTECT priorities, and in May, SVP for Policy Eileen Hershenov testified to the House Democratic Caucus on related issues.
- The White House created an NSC office to address Domestic Violent Extremism (DVE), ordered a report from the Office of the Director of National Intelligence (ODNI) that affirms our understanding of the threat, and ensured the release of a (legally required) joint FBI-DHS threat assessment that also affirms our analysis from the last several years naming white supremacy and anti-government extremism as the top threats.
- DHS announced \$77 million for states to better understand the DVE threat and DOJ issued guidance to prosecutors to ensure domestic terrorism prosecutions are a top priority. Both agencies requested additional funding from Congress to address the domestic terrorism threat through the next fiscal year's budget.

At the state level, there was an inherent limitation on what could be achieved legislatively in 2021, as most states already had launched their legislative sessions by the time the PROTECT plan was launched and in some cases those sessions continued to be impacted by the pandemic. Nevertheless, ADL has asked that states develop Task Forces to create interagency and civil society approaches to the threat within their states.

- Maryland has passed legislation to create a Task Force, and other states are considering the option.
- ADL released a [toolkit for Attorneys General](#) to comprehensively address hate and extremism; the toolkit was created in support of DC AG Karl Racine's – current president of the National Association of Attorneys General (NAAG) – team, which responded highly enthusiastically about the resulting toolkit and will disseminate it to AGs nationwide on our behalf. ADL presented the toolkit to the Attorneys General Association (AGA) and is working with States United for Democracy to disseminate it.

## R: Resource According to the Threat

Despite constant and high-volume claims – often, but by no means always. emanating from the political fringe -- that antifa and BLM pose violent extremist threats, ADL’s research has consistently disproved these fallacious assertions. Based on that research, we have carefully countered those claims, using our data to make the case that white supremacy and anti-government militias are the key threats to Americans, and that resources should be apportioned to reflect that threat. As always, our policy and position statements mirror our evidence-based research. Further, we have not only been instrumental in highlighting the threat of rightwing domestic violent extremism to the Jewish community, but also in elevating bipartisan solutions to antisemitic threats of any type – regardless of the source.

- ADL has advocated for the Domestic Terrorism Prevention Act (DTPA) directly with several Members of Congress and worked to mobilize support nationwide. That has included lay leaders and ADL staff in 15 regions participating in a coordinated outreach campaign to over 30 Members of Congress to raise the calls for passage for this important legislation. Thanks to our advocacy, the House version of the bill has over 200 cosponsors from a bipartisan cross-section of Representatives. We are working closely with key Senate leaders to determine how to make the bill viable in the Senate.
- ADL led advocacy for a bipartisan Senate Resolution led by the (bipartisan) Antisemitism Task Force condemning the rise in antisemitism and a companion House letter to the White House calling on leadership to address the threat and fully implement the NO HATE Act.
- ADL convened Jewish community groups with senior Department of Justice leadership and is creating a similar session with DHS leadership. In so doing, ADL is providing leadership within the Jewish community, leadership repeatedly recognized by the Administration.

## O: Oppose Extremists in Government Service

ADL was a leading organization in calling for QAnon adherent Marjorie Taylor Greene to be removed from committees as soon as she was seated in Congress, which Congressional leadership did soon thereafter. We have worked with federal, state, and local government entities on ways to mitigate extremist influence within the ranks.

- ADL participates in the Department of Defense (DoD) Countering Extremism Working Group (CEWG) as an active participant among civil society groups, including providing DoD with resources to help mitigate the threat and participating in ongoing calls in advance of their July report release. DoD has also issued guidance for internal reforms to address the threat. Earlier this year the Secretary of Defense issued “stand down” orders for all units to spend a day addressing domestic extremism internally.
- DHS also announced a review of insider extremist threats. ADL worked with DHS to ensure that they will use the ADL Hate Symbols Database in their process.

- ADL is working with outside pro bono counsel to create a toolkit for law enforcement nationwide to provide practical advice in how to screen recruits as well as their ranks for extremists and to offer best practices in terms of policies and procedures. The toolkit should be ready for dissemination later this month.
- ADL has worked closely with staff on Congressional committees overseeing the military, veterans, and security clearances issues, providing extensive briefings, materials, and other advocacy to inform investigations, hearings and other Congressional oversight efforts. ADL is a key thought partner in determining ways to ensure extremists are not given sensitive positions or security clearances.
  - Oren Segal, VP of the Center on Extremism, will testify to the House Veterans Affairs Committee on July 29.

#### T: Take Domestic Terrorism Prevention Measures

Many leaders in both national security and the civil liberties community object to terrorism prevention, either because it is “soft” on terrorism, or based on a view that the risk is prohibitively high that any government pre-criminal initiatives lead to civil liberties problems. ADL has embraced the position that we cannot wait until an individual is violent to address their extremism, and also to insist that community representatives and civil rights and liberties advocates be at the table when the Government plans, launches, and implements prevention efforts. The Biden Administration has expressly acknowledged to the need to proactively prevent civil liberties abuses. This affirmative, yet careful position, has positioned ADL as a civil society leader in terrorism prevention issues.

- ADL is working closely with DHS on its prevention efforts, which includes convening civil rights and liberties organizations and the DHS prevention team creating an open dialogue in advance of DHS announcing a new office on the topic. ADL is the only civil society organization publicly taking this position – committed to preventing violent domestic terrorism while protecting the civil liberties of communities too often targeted in the past (not only by violent extremists but by past government abuse and overreach in the name of national security). Our public stance could help ensure that the Administration adds effective civil liberties safeguards to terrorism prevention, and thus ensure that the next generation of domestic terrorists is less adept at recruiting while preventing government overreach in doing so.
- ADL helped draft legislation for Congress on the funding and authorities of the DHS prevention office to ensure civil liberties protections while increasing funding. Shortly after the legislation was drafted, DHS announced the formation of the new prevention office. Whereas the Biden campaign had suggested it might remove prevention activities all together, thanks at least in part to ADL’s influence, it became a core pillar to the National Strategy on Countering Domestic Terrorism and a new Center was created.

#### E: End the Complicity of Social Media in Facilitating Extremism

In addition to PROTECT, ADL launched the [REPAIR plan](#), a comprehensive approach to usher in a new era of transparency, accountability, and narrow regulation to reorient the internet as a force for good rather than a radicalization safe haven. ADL is working on a myriad of policy proposals and advocacy initiatives to that end including:

#### *Regulation and Reform*

- Supporting congressional work on Section 230 reform (including providing substantive feedback and support for the reintroduction of Rep. Malinowski/Eshoo’s Protecting Americans Against Dangerous Algorithms Act and the introduction of Sen. Warner’s SAFE Tech Act).
- Served on a panel for the Attorney General Association’s virtual program, “Addressing Hate and the Internet,” moderated by Attorney General Karl Racine (D.C.)
- ADL briefed House Democratic Caucus staff on Section 230.

#### *Enforcement at Scale*

- ADL championed a California Transparency bill AB 587 (which was passed out of the Assembly and currently in the Senate). The bill would allow civil society to regularly assess the efficacy of platform content moderation practices and policies.
- ADL testified twice before the California Assembly on the bill.

#### *People over profit*

- ADL sent a letter to the Facebook Oversight Board regarding Facebook’s failure to take consistent action against antisemitic content.
- ADL joined the Ban Surveillance Advertising Coalition and, in coalition, publicly called for Trump to be permanently removed from Facebook in light of their practices of putting people over profit.
- The Stop Hate for Profit campaign, led by ADL, the NAACP, Color of Change, the National Hispanic Media Coalition, LULAC, Free Press and others, celebrated its one-year anniversary and published a [progress report](#) regarding platforms’ actions since SHFP launched.

#### *Access to Justice*

- Currently working directly with Rep. Katherine Clark’s office on the reintroduction of the Online Safety Modernization Act. This dovetails an incredibly successful year for Backspace Hate state legislation (ADL drove and/or significantly improved cyberharassment, swatting and doxing bills signed into law in Connecticut, Nevada, Oregon and Texas). ADL is the creator and leader of state laws closing the gaps that currently allow perpetrators to avoid criminal and civil liability for cyber-hate crimes and egregious digital harassment. ADL testified several times in the state legislature in support of these bills.

#### *Interrupting Disinformation*

- Eileen Hershenov, SVP Policy, addressed Members of the House Democratic Caucus for a Virtual Panel on Online Disinformation
- ADL Experts briefed Members of the House Homeland Security Joint Subcommittee on antisemitism and extremism (including about online hate and social media accountability)
- ADL is working in coalition with other members of the tech policy community to fight disinformation. ADL is planning to co-publish a disinformation report through the Digital Deception Coalition. ADL with the Ya Basta! Coalition has met with Facebook's VP of Civil Rights, Roy Austin, and is preparing a congressional briefing on Spanish language disinformation.

#### *Research and Innovation*

- ADL worked with Rep. Trahan's Social Media DATA Transparency Legislation to provide researchers with increased social media data access.

#### C: Create an Independent Clearinghouse for Online Extremist Content

ADL is the leader of the clearinghouse approach, an idea that was borne out of ADL's creative thinking on balancing counterterrorism and civil liberties. The approach could revolutionize civil rights-appropriate approaches to terrorism issues, while modernizing the ability to find extremists online.

- ADL drafted a concept paper and draft legislation for Representative Gottheimer (D-NJ), which we are optimistic will receive bipartisan support.
- ADL engaged DHS on the clearinghouse, for which DHS voiced enthusiastic support.

#### T: Target Foreign White Supremacist Terrorist Groups

ADL has worked closely with the State Department to urge prioritization of a global approach to the global challenge of violent white supremacy and with extremism researchers in Europe to raise awareness of the dangers of foreign extremist groups and their transatlantic interactions with US based white supremacists.

- Last year's National Defense Authorization Act required the U.S. Department of State to create a strategy to counter global white supremacy. ADL engaged the State Department to provide advice on how to approach it. ADL is working with Congress and the White House to ensure it is released soon, that it serves as a top priority, and that multilateral approaches are well-funded in order to ensure a global impact. The strategy is expected to be released in the coming weeks.
- ADL has worked with Congress to urge prioritization of considering designations of overseas white supremacist groups as terrorist organizations. Congresswoman Elissa Slotkin has joined us in urging the Administration to take action.
- ADL is planning a report on the neo-Nazi Nordic Resistance Movement, including its harassment of Jewish communities in Sweden, Denmark, Norway, and Finland.

- ADL is planning a report on the influence of US white supremacists on German right-wing extremists and how those influences manifest in Germany to the detriment of minorities and other targets.
- ADL is planning a report about the antisemitic influence of Polish extremists on the Polish-American community.
- ADL will organize a briefing for US policymakers about the influence of American white supremacists on European extremists and the consequences for minorities in Europe. Extremism researchers in the UK (CST), Germany (CeMAS), and Sweden (Expo) have agreed to participate in such a briefing and discuss the influencing process and the impact in their countries. The briefing should highlight an additional, but rarely voiced, argument for action against domestic extremists: their malign impact on our European allies and on the US interest of protecting minorities abroad.

## **Conclusion**

Considering the brief window of time that PROTECT has been in place, ADL's impact has been substantial. When launching PROTECT, ADL called for the federal government to release an interagency strategy specific to how it will address the threat of domestic terrorism. On June 15th, the White House did just that, releasing the first-ever National Strategy to Counter Domestic Terrorism, many of the provisions of which are similar to the framework of PROTECT. Overall, this is a great step, but we will need further details on the implementation of the strategy before we can fully gauge how effective it will be. In light of the progress so far, we are cautiously optimistic. We are well positioned to continue to lead on domestic extremism issues and are continuing to prioritize PROTECT regionally and nationally.