

CONFRONTING VIOLENT WHITE SUPREMACY
(PART IV): WHITE SUPREMACY IN BLUE—
THE INFILTRATION OF LOCAL POLICE
DEPARTMENTS

HEARING

BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES
OF THE
COMMITTEE ON OVERSIGHT AND
REFORM

HOUSE OF REPRESENTATIVES

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- * *Wall Street Journal* , “Who Watches the ‘Hate’ Watchers?” article; submitted by Rep. Roy.
- * Department of Justice Report, “Hate Crime Victimization”; submitted by Rep. Ocasio-Cortez.
- * CNN, “DOJ Hate Crime Victimization Report Summary”; submitted by Rep. Ocasio-Cortez.

**CONFRONTING VIOLENT WHITE SUPREMACY
(PART IV): WHITE SUPREMACY IN BLUE—
THE INFILTRATION OF LOCAL POLICE
DEPARTMENTS**

Tuesday, September 29, 2020

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:13 a.m., via WebEx, Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Clay, Wasserman Schultz, Kelly, Gomez, Ocasio-Cortez, Pressley, Norton, Tlaib, Maloney (ex officio), Roy, and Comer (ex officio).

Mr. RASKIN. Good morning. The subcommittee will come to order. And without objection, the Chair is authorized to declare a recess at any time.

Welcome to the Oversight Subcommittee on Civil Rights and Civil Liberties hearing entitled “White Supremacists in Blue—The Infiltration of Local Police Departments.”

Good morning to the Chair of the committee, Mrs. Maloney, who has joined us. Good morning to our ranking member, Mr. Roy, who is with us. And good morning to the vice chair of the committee, Ms. Ocasio-Cortez, and all of our other wonderful members who have joined us.

I want to take a moment to extend a special welcome to Representative Rashida Tlaib of Michigan to our subcommittee. This is her first hearing with our subcommittee and we’re delighted to have her join us.

Welcome, Ms. Tlaib.

Before we begin today, I want to play a video that will set the stage for the discussion that we’re about to have.

Clerks, please go ahead and play the video.

[Video shown.]

Mr. RASKIN. This is the fourth hearing our subcommittee has had on the problem of White supremacist violence in America. Since the murders of George Floyd and Breonna Taylor, we have also held a separate set of briefings on police brutality in communities of color and rampant violations of the First Amendment at civil rights protests by the Trump administration.

Today, we’ll examine how these different threats to the American people intersect—namely, how White supremacist organizations,

ideas, and attitudes have come to infiltrate and target certain domains of law enforcement.

The bloody trail of violent White supremacy is now splattered across America:

Charleston, South Carolina, where White supremacist Dylann Roof slaughtered nine African American parishioners at worship in the Emanuel African Methodist Episcopal Church.

Charlottesville, Virginia, where hundreds of neo-Nazis and Klansmen rioted and wounded dozens of people and killed Heather Heyer in a terrible attack by automobile.

Pittsburgh, Pennsylvania, where a neo-Nazi killed 11 people and wounded six at the Tree of Life Synagogue as they worshipped.

Poway, California, another anti-Semitic rampage.

El Paso, Texas, where a White supremacist hyped up on anti-immigrant hate killed 23 people and wounded 23 others in a rampage at a Walmart.

According to the Anti-Defamation League, 75 percent of all extremist-related murders between 2009 and 2018 were committed by right-wing extremists. The Center for Strategic Studies, which analyzed over 900 politically motivated attacks in the U.S. since 1994, found that there have been nearly six times as many victims of violence from right-wing groups as from others. In 2020, they found that over 90 percent of political attacks were conducted by right-wing groups. These are the facts.

Like COVID-19, this virus of violent White supremacy is spreading. The Southern Poverty Law Center documented a record 30 percent increase in the number of hate groups nationwide over the last several years and hate crimes are also trending up.

But as with COVID-19, the Trump administration has decided to mislead the public by downplaying the problem. A Department of Homeland Security whistleblower has stated that Ken Cuccinelli told him to specifically modify draft language on White supremacy to make, quote, “the threat appear less severe,” and to “include information on the prominence of violent ‘left-wing’ groups.”

The spread of violent White supremacy is a threat to everyone, but disproportionately it is a threat to Black and Brown communities. But it is also a threat, and purposefully underestimating this problem is a threat, to first responders, in this case, to police officers.

According to the Anti-Defamation League, White supremacists and other far right extremist groups have killed 51 police officers since 1990. Eighty-three percent of shootouts between police and extremists involve right-wing extremists, with White supremacists being responsible for more than half of those.

The unredacted memo we released today from the FBI states that, quote, “White supremacist presence among law enforcement personnel is a concern due to the access they may have to restricted areas vulnerable to sabotage and to elected officials or protected persons that they could see as targets for violence. White supremacy is a deadly threat to the safety of law enforcement officers as well as to public safety generally.

In May, far right extremists killed David Patrick Underwood, a Federal law enforcement officer. One of the Boogaloo boys charged in Underwood’s death is a former Air Force sergeant also suspected

in the murder of a Santa Cruz sheriff earlier this year. In February, a White supremacist killed officer Nick O’Rear in Alabama.

In 2006 the FBI released an intelligence assessment warning of, quote, “White supremacist infiltration of law enforcement.” The FBI identified two distinct problems.

First, the FBI noted the problem of White supremacist groups infiltrating law enforcement. We’ve seen a lot of evidence of that in the 14 years since the FBI’s assessment as officers across the country have been dismissed for active membership in the KKK and other similar groups. We will hear testimony about this problem today.

But the FBI also identified a second problem: law enforcement officers who have no formal affiliation with racist groups, but who sympathize with their racist ideology. This too has been in plain view in this period of resurgent racist violence across America.

In 2019, a team of investigative journalists published the Plain View Project, which collected over 5,000 postings displaying White supremacist, xenophobic, misogynistic, and violent Facebook material from police officers in eight different cities.

We invited the FBI to come today. The Bureau refused to come, claiming it has nothing to say because they have no evidence that this is a widespread problem demanding the FBI’s attention.

What’s more, they have attempted to disavow their own 2006 intelligence assessment, which has every sign of being an authentic document. They did provide us an unredacted version of that 2006 assessment, which I am releasing today so the public can better understand how the FBI understood this threat and judge its subsequent actions—or lack thereof—accordingly.

The redacted passages include prescient warnings for the American people. The FBI warns that, quote, “White supremacist infiltration of law enforcement can result in abuses of authority and passive tolerance of racism within communities served.”

The FBI also cautioned that police officers who are hostile to civil rights might, quote, “volunteer their professional resources to the White supremacist causes with which they sympathize.”

These are chilling conclusions. But rather than clearly spell out this threat for the American people, the FBI has suppressed them from public view for 14 years.

For the first time, we can now see that the FBI believed internally that White supremacist infiltration of law enforcement departments was a serious problem, a source of potential abuse of power and authority on the street, and a source of potential violence against the civilian population.

This summer, as the country was shocked to watch videos depicting the brutal and vindictive treatment of Black Lives Matter protestors, other videos emerged of police officers treating armed White militia as friends and as allies.

In Salem, Oregon, police gave a polite warning to a group of armed White men asking them to “discreetly stay inside the buildings” after curfew so it would not look like police were playing favorites when they tear gassed protesters.

In Albuquerque, officers were caught on a police scanner referring to White vigilantes as “armed friendlies.”

In Kenosha, Wisconsin, officers pushed protestors toward a group of armed White civilians. Police offered water to those armed men, one of whom shot and killed two people that night. The shooter, Kyle Rittenhouse, got away, despite walking up to police with his hands in the air, the murder weapon strapped to his chest, while onlookers identified him as the killer of two innocent Americans.

The social contract depends on fair and neutral enforcement of the laws to protect the whole citizenry against criminal violence and state violence. We must work to disentangle the police power of the state from groups and individuals that subscribe to violent White supremacist ideology and seek to inflict harm on African Americans, Asian Americans, Latinos, Jewish Americans, LGBTQ Americans, and anyone who stands in the way of a race war and the civil war that the extreme right is calling for in America today.

If local or state law enforcement were being infiltrated by ISIS or by al-Qaida or any other terrorist group we would consider it an immediate public safety emergency. Infiltration by violent White supremacy is no less of a threat and no less urgent. To confront it effectively, we must understand it. That is the purpose of today's hearing.

So, I now would like to recognize the distinguished ranking member, Mr. Roy of Texas, for an opening statement.

I went a bit over my time there, Mr. Roy, so please feel free to take the equal amount of time that you need.

Mr. ROY. Well, I appreciate it, Chairman. The Chairman is always gracious to make sure that we have equal time and to handle that in that respect. So, I appreciate that. And good to see you from afar.

As you know, this hearing is the fourth in our series on White supremacy. And we've had a number of good exchanges and dived into some of the facts over the course of the previous three hearings, and I certainly think it's important for us to do so.

As you remember, I was particularly moved and wanted to understand the situation in Charlottesville as a University of Virginia graduate. Obviously, that hit close to home in talking to a mother who lost her daughter sitting there on the downtown mall in Charlottesville where I used to go as a student. Seeing this horrid series of events unfold, it was important for us to have that conversation. And I think it's important for us to have this conversation.

I would note, and the Chairman knows, I mean, I've been asking repeatedly for the last year for us to have a hearing, for example, on human trafficking. There's 40 million people around the world suffering from human trafficking, some 20,000 in the United States where we've had actual law enforcement engagement with them, which is a fraction of what we know is actually occurring in the United States. The estimates are upwards of 300,000 or 400,000.

I think we should find time in our schedule for hearings on matters such as that. As the Chairman knows, I think it's an important issue. If you think about 300,000 or 400,000 people that are estimated to be engaged in—or to be the victims of human trafficking in the United States at any given moment, we ought to look at that.

You know, look, I think we have to ask the question: Why is this now fourth in a series of hearings? I don't question the motives of

the Chairman, but I would have to acknowledge that it is fairly obvious over the last X number of months that my Democratic colleagues really want to perpetrate a narrative that American law enforcement is either systemically racist or composed of White supremacists. And I just categorically reject that characterization of the almost 800,000 law enforcement personnel who are standing up on the Thin Blue Line for each and every one of us every day.

As a former Federal prosecutor, I firmly believe we root out crime wherever we find it. We root it out. And we root out hate, we root out racism wherever we find it. That is our job, to go pursue it. I wholly agree with that.

But it is a dangerous path, it is a dangerous path that my Democratic colleagues are pursuing in defining our law enforcement personnel as systemically racist. That's what's happening. That's what these things are doing. That's what this focus is doing.

And by the way, it wouldn't matter if this hearing was just focused—that this hearing is just focused on law enforcement. My Democratic colleagues have made it abundantly clear that the United States of America is in and of itself systemically racist. That is the position of the modern Democratic Party, that our Nation is systemically racist. And that, to me, is fundamentally at odds with what this Nation actually has stood for and what this Nation actually has done.

I come from a family with a history in law enforcement. My great-great-grandfather was a Texas Ranger in the county in which I'm sitting in right now in the 1870's, in Travis County, Hayes County, and Blanco County, and I'm proud of that.

My grandfather was the chief of police of a small west Texas town, Sweetwater, Texas. He died of cancer when my dad was seven. My dad barely knew him because he had just come back from the war.

By all accounts from everybody I have talked to my grandfather was a good, faithful public servant who was not racist in way. Everything I understand from my family, from my grandmother who was a single mom in west Texas, the first woman county clerk elected in Nolan County, Texas, when my grandfather died of cancer.

I stand by my grandfather, and I stand by all the law enforcement officers that I worked with when I was the Assistant United States Attorney, working in the U.S. Attorney's Office in the Eastern District of Texas, and all of the fine law enforcement officers who worked for me of varying races when I was the first assistant attorney general.

You know, when I was First Assistant Attorney General for Attorney General Ken Paxton here in Texas, we had 4,100 employees. I will wholly acknowledge that, irrespective of race for a moment, if one percent of those 4,100 are doing anything crazy, insane, mean, hateful, racist, illegal, at any given moment, one percent of that 4,100, that's 41 people. And my job as First Assistant Attorney General was to go track these things down, have internal investigations, go look and figure out what's happening. I wholeheartedly embrace and believe in that.

But when we, the institution of Congress, make blanket statements, using viral videos, to define a class of human beings standing on that wall for us every day, I'm troubled by that.

There is a significant amount of evidence out there that suggests that there is not structural bias in the criminal justice system regarding arrests, prosecutions, or sentencing. Crime and suspect behavior, not race, determine most police actions.

There are 70 million interactions, roughly—obviously these are estimates—70 million interactions between law enforcement and civilians every year. Now, if a million of those are troubling, problematic for varying different reasons, one of which might be race, one of which almost certainly is race, then we should root that out.

But when you then categorically define 70 million police interactions, with 800,000 law enforcement personnel, as systemically racist, then you're undermining our entire rule of law, right? And we're seeing this unfold right now in front of us.

You know, the past few months have brought police into the limelight and sparked a resurgence of anti-law enforcement rhetoric from the left and many in the media. And what has been the result? More violence in our streets, more police officers killed in the line of duty.

More Americans, many of them in low-income communities, are suffering because their communities are crumbling at the hands of lawless mobs. They can't use the bus stop to take them across town to get to work because somebody smashed it to pieces. They can't get a loaf of bread from their local corner store because looters ransacked it, forcing the owner to close shop for good. The owner of a shop that has been in their family for years is now gone.

Forty-five percent of Black-owned businesses have been decimated since the beginning of both the virus and all of the unrest on our streets.

There are real consequences to what's going on on our streets. In many cases they cannot call the police for help.

Just yesterday there was a thing that went on here in Austin where somebody was running through the Whole Foods in downtown Austin, where everybody's getting their little lattes and buying some arugula for their salad, somebody is running through. And they're worried about it, called the police. Well, guess what? There were no police to get there. Why? Because the Austin City Council, in its leftist infinite wisdom, had slashed the police department by a third.

Look, data shows that when police backlash based on false narratives follows the release of a viral video, law enforcement tends to be less aggressive in pursuing perpetrators, resulting in an increase in crime and homicide, of which victims include all races.

In the two weeks following the death of Mr. Floyd, more than 700 police officers were injured. Many lives have been lost and hundreds of millions of dollars in damage to private businesses and public property has been made. Across 20 major cities the murder rate at the end of June was an average 37 percent higher than at the end of May. The murder rate. These are people, these are murders.

And what about the police officer shootings with the intent to kill that we recently saw in Los Angeles and Louisville in the name of

defending social justice. There were two officers killed in Louisville, at least one of whom was Black.

Defunding the police, creating broad, false narratives about law enforcement and encouraging violence in our streets in the name of politics is harming our communities. You can't defund the police.

For example, for total homicides year over year for the 15 largest U.S. cities, Austin, in the district that I represent, ranked first at 64 percent increase. And just a few months ago, the city of Austin, as I said before, defunded one-third of the police department.

More examples from Austin: 43 percent increase in murders, 17 percent increase in aggravated assaults, 30 percent increase in statutory rape, 24 percent increase in arson, five percent increase in vandalism.

Notably, due to their defunding, they canceled the 144th Austin Police Department cadet class, the most diverse cadet class for the department in its history. Half of the graduates were minorities. They canceled it. It's gone. All those people who wanted to serve in law enforcement, who wanted to serve in the community, who wanted to help protect their communities—again, over half minorities—that class is gone.

At least 46 police officers have been killed in the line of duty this year. I read all of their names on the floor of the House of Representatives last week. Where the hell was the NBA wearing their names on the back of their jerseys? Where the hell was the outrage for the law enforcement officers who lost their lives in the line of duty, standing up on that Thin Blue Line for us?

Twenty-four-year-old officer, Katherine Mary Thyne, who was dragged by a car and pinned against a tree, dead. Police Officer Brian Brown, who was also killed in a vehicular assault, gone. Sergeant Damon Gutzwiller, who was ambushed, shot and killed, gone. Twenty-four-year-old officer, Breann Leath, who was shot in open fire responding to a domestic disturbance, gone, just to name a few. We already have an over 50 percent increase in police officers killed in the line of duty with three remaining months left this year, but cities around the Nation are defunding their police departments.

This committee, in my opinion, is giving a platform to harmful narratives, precluding the very idea of safe streets while hurting our communities. Safety and security should be nonnegotiable to this body. It is nonnegotiable to me as a father, as a Texan, and especially as a Member of Congress.

I think, Mr. Chairman, I understand what we're doing here and the conversation we're having. These are important conversations. But we ought to be mindful of those 800,000 men and women who are going to suit up today to stand on that line for us.

And I'm always entertained by those who are out on the streets and something happens, and there's violence because they're out at some protest, and the next thing you know, they go, "Where are the police?" That's happened to Members of this body, where they're looking around, "Where are the police?"

Well, I guarantee you that the thing that we're going to be asking is, "Where are the police?" if we continue to go after and assault them and blanketly condemn them as racists, as an institution of racism, as opposed to doing our lawful duty as Members of

Congress or as law enforcement officers to go root out every single crime, every single action, one case at a time.

With that, Mr. Chairman, I yield back.

Mr. RASKIN. Mr. Roy, thank you very much for your thoughtful remarks. And I hope I'll get a chance to respond to some of the things a bit later.

One thing I do want to say right now is there is nothing in anything that I said—and there is nothing about this hearing—which describes all of law enforcement as racist or a racist threat. On the contrary, my whole opening was about how violent White supremacy is a threat to the public interest, including to law enforcement itself.

But I think we'll be able to discuss this more with the witnesses as they come through. And I thank you for your remarks.

With that, I'm going to recognize the Chair of the oversight committee, Mrs. Maloney, for her opening statement.

Mrs. MALONEY. First of all, I want to start by thanking my good friend Chairman Raskin for convening this important and timely hearing. The subcommittee has already held three hearings focused on violent White supremacy, and Chairman Raskin's leadership on this issue has been inspiring.

As Chairman Raskin said, racism is not new to America. It is particularly not new to Black Americans. Since our Nation's founding, racism has been used to treat Black Americans as second-class citizens—or no class citizens.

We must never forget that policing in America started with slave patrols. Many slave patrols evolved into police departments that for decades have been used to ensure Black Americans could not exercise their full rights as citizens.

We are dealing with that legacy today. Many police departments face the continued infiltration of White supremacists into their ranks. As the FBI found, and I quote, "militia extremists, White supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers," end quote.

This year we have seen millions of people march in the streets. They are asking for the end of state-sanctioned killings and calling for the dismantling of systemic injustice.

Their mission is straightforward. They are asking for the bare minimum: that our Nation be a place where the lives and deaths of Black Americans matter.

But those protests have been met with violence, and in many instances police-sanctioned violence by White extremist groups.

This hearing is not about good officers versus bad officers. This hearing is about making sure we as a Nation acknowledge that White supremacy has no place in any police department. The idiom does not end with, quote, "a few bad apples." The saying is, "A few bad apples spoil the bunch."

We cannot let White supremacy continue to spoil the bunch. Instead, we should all condemn the behavior that Chairman Raskin described.

I am honored to attend this hearing. It is shameful, absolutely shameful that the FBI chose to ignore the committee's request to attend and instead disavowed their own terrifying findings about the pervasiveness of White supremacy in police departments.

I look forward to hearing from our witnesses about their extremely important work. And I hope we remember the wise words of Chairman Cummings, that, "We are with better than this," end quote.

And I yield back. Thank you.

Mr. RASKIN. Madam Chair, thank you very much.

I now want to introduce our witnesses.

Our first witness today is going to be Michael German, who is a fellow at the Brennan Center for Justice. Then Vida B. Johnson, who is an associate professor of law at Georgetown University Law School, just a few blocks from the Capitol. We will also hear from Frank Meeink, an author and activist. Then we will hear from Mark Napier, who is the sheriff of Pima County, Arizona. And finally, we'll hear from Heather Taylor, who is the president of the Ethical Society of Police in St. Louis.

The witnesses will now please unmute so I can swear you in. Please all of you raise your right hands, if you would.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Thank you.

Let the record show the witnesses have all answered in the affirmative.

Thank you. And without objection, your complete written statements will be made part of the record. You are given five minutes within which to give your oral presentation and then all of the distinguished members of the committee who have arrived, including Ms. Tlaib, who has just joined the subcommittee, are going to ask you questions.

With that, Mr. German, you are now recognized for five minutes.

**STATEMENT OF MICHAEL GERMAN, FELLOW, BRENNAN
CENTER FOR JUSTICE**

Mr. GERMAN. Thank you, Mr. Chairman and members of the subcommittee. Thank you for inviting me to testify today about White supremacists and far right militant activity in law enforcement.

In 1992, when I was with an FBI agent preparing to go undercover against neo-Nazi skinhead groups in Los Angeles, my colleagues warned that White supremacists often have relations with law enforcement and that I would have to strengthen my undercover identity to withstand law enforcement scrutiny.

I worked closely in that operation and in a later one investigating far right militias in Washington state with officers from several different Federal and local law enforcement agencies who typically had more experience than I did. None suggested this was an unreasonable concern.

So, I was not surprised when the FBI released its 2006 intelligence assessment entitled "White Supremacist Infiltration of Law Enforcement" that alerted agents to this infiltration by organized groups and, quote, "by self-initiated infiltration by law enforcement personnel sympathetic to White supremacist causes," unquote, as it was the same warning I received a decade earlier.

A leaked 2015 FBI counterterrorism policy guide makes the case more directly. It warns agents that FBI domestic terrorism inves-

tigations focused on militia extremists, White supremacist extremists, and sovereign citizen extremists often have active links with law enforcement officers.

But when Representative William Lacy Clay asked FBI counterterrorism chief Michael McGarrity whether the Bureau remained concerned about White supremacist infiltration of law enforcement since the publication of the 2006 assessment at a June 2019 hearing of this subcommittee, Mr. McGarrity indicated he had not read it.

Asked more generally about this infiltration, McGarrity said he would be suspect of White supremacist police officers, but their ideology was a First Amendment protected right.

The 2006 assessment addresses this concern, however, by summarizing Supreme Court precedent on the issue. Quote: “Although the First Amendment freedom of association provision protects an individual’s right to join White supremacist groups for the purpose of lawful activity, the government can limit the employment opportunities of group members who hold sensitive public sector jobs, including jobs within law enforcement, when their membership would interfere with their duties.”

More importantly, the FBI’s 2015 counterterrorism policy, which McGarrity was responsible for executing, indicates not just that members of law enforcement might hold White supremacist views, but that domestic terrorism investigations have often identified, quote, “active links,” unquote, between the subjects of these investigations and law enforcement officials.

Its proposed remedy is stunningly inadequate, however. It simply instructs agents to protect their investigations by using the “silent hit” feature of the Terrorist Screening Center watch list so that police officers could not ascertain whether they were under FBI scrutiny.

Of course one doesn’t need access to secret FBI terrorism investigations to find evidence of explicit racism within law enforcement. Since 2000, law enforcement officials with connections to White supremacist groups or far right militant activities have been exposed in more than a dozen states around the country. Research organizations have uncovered hundreds of Federal, state, and local law enforcement officials participating in racist, nativist, and sexist social media activity, which demonstrates that overt bias is too common.

Law enforcement officials actively affiliating with White supremacists and far right militant groups pose a serious threat to people of color, religious minorities, LGBTQ people, and anti-racist activists. But the police response to protests following the murder of George Floyd includes a number of law enforcement officers across the country flaunting their affiliation with far right militant groups.

Police officers casually fraternizing with armed far right militia groups at protests is confounding because many states, including California, Illinois, and Pennsylvania, have laws that bar unregulated paramilitary activities.

And far right militants have often killed police officers. As the Chairman stated, the ADL has reported that far right militants in fact have killed 51 police officers from 1990 to 2018. The ambush,

shooting, bombing, and killing of Federal law enforcement officers in Oakland and a local sheriff's deputy in Santa Cruz County, California, by far right militants highlights the threat that police engagement with these groups poses to their law enforcement partners.

My written testimony includes detailed recommendations for Congress, for prosecutors, and for Federal, state, and local law enforcement. And I look forward to your questions. Thank you.

Mr. RASKIN. Thank you very much for your testimony, Mr. German.

Professor Johnson, you are now recognized for your five minutes of testimony.

STATEMENT OF VIDA B. JOHNSON, ASSOCIATE PROFESSOR OF LAW, GEORGETOWN UNIVERSITY

Ms. JOHNSON. Thank you to the subcommittee members and to Chairman Raskin, Chairwoman Maloney, and Ranking Member Roy for the honor of speaking with you today.

My name is Vida Johnson. I am an associate professor of law at Georgetown Law and I write about criminal procedure and policing.

Before I begin, I want to make clear that I believe that the vast majority of people who become police officers do so for all the right reasons, including members of my own family. But nevertheless, it must be acknowledged that there's a long history of explicit racism on police departments, and, sadly, this legacy of racism continues today.

Our nation is one of the most diverse in the world and our officers need to be able to protect and serve everyone in our community.

In 2006, the FBI warned of White supremacists trying to infiltrate police departments. The Department of Homeland Security warned in 2009 that White supremacists were recruiting former military personnel and called it one of the biggest domestic terrorism threats in the United States. Warnings from these agencies went unheeded.

In 2014, members of a police department in Florida were outed as members of the KKK. In 2015, an Alabama officer was identified as being a member of the League of the South. In 2017, an Oklahoma police chief was discovered to be one of the most influential White supremacists in the country. In 2019, a prospective homebuyer toured a Michigan officer's home and saw a framed KKK application.

In addition to officers who identify with these types of groups, some officers hold explicitly racist views without any hate group affiliation.

The Department of Justice reports on Ferguson and Chicago make plain that officers used the n-word, along with other disparaging remarks about people of color, in the communities they police. And of course this year, in Wilmington, North Carolina, White officers were caught on tape looking forward to a race war and dreaming of wiping Black people off the map.

Texting scandals involving officers in San Francisco and Miami make clear that this is a problem nationwide.

In my 2019 *Law Review* article, “KKK in the PD,” I compiled accounts of 178 instances of explicit racial bias found in news stories. We know that this is just the tip of the iceberg. Some officers aren’t so careless as to end up on the news, but still hold these views.

The confidentiality statutes in many states make the issue of police discipline private, so they don’t make the news. And of course the blue wall of silence keeps many of these officers on the force because others fail to report them for their explicitly racist views.

We care about this problem because racist views can translate into racist deeds. We know that officers disproportionately stop people of color, and of course we worry most about violence. We know that the biggest torture scandal in policing involved John Burge, whose “midnight crew” in Chicago extracted confessions from over 100 African American men with the use of cattle prods and other torture.

An officer in Little Rock, Arkansas, was honest when he reported to a police department that he had attended a Klan rally. He was hired anyway. He later went on to shoot and kill a 15-year-old unarmed Black boy.

So, what are some solutions to this terrible problem? A more expansive view of *Brady v. Maryland*, if that were codified, we might come to a way to ferret out some of these officers.

Brady v. Maryland is a Supreme Court case that makes clear that the government must turn over any information that is favorable to the accused, and that includes information that impeaches a witness’ credibility; information in the police’s possession is imputed to prosecutors.

What would this look like? Prosecutors would have to investigate their officers and turn that information over for use at a public trial.

Other solutions include better background checks in hiring of officers, zero-tolerance policies, searches of officer emails and texts for keywords associated with racial animus, social media policies in which officers agree as a condition of hiring to allow social media searches, and Federal licensing of officers, which would also allow for better screening and preventing officers from going from one department to another.

We must weed out officers who hold racist beliefs rather than sweep them under the rug.

I’m happy to take any questions.

Mr. RASKIN. Professor Johnson, thank you very much.

I now recognize Mr. Meeink for his five minutes of testimony.

STATEMENT OF FRANK MEEINK, AUTHOR AND ACTIVIST

Mr. MEEINK. Good morning. Thank you.

Mr. Chairman and members of the committee, my name is Frank Meeink. I am a former White supremacist and neo-Nazi gang member.

After I served my time in prison in 1994, I decided to leave the skinhead movement, now with the antibodies to the virus of hate.

I’ve spent the last 25 years speaking out against racism. I’ve conducted hate crimes trainings for police officers, FBI and Homeland Security agents. I volunteer with the Des Moines Police Depart-

ment as an announcer at their annual fundraising hockey game. I am also an activist for Black Lives Matter. Black lives matter.

I've spoken out about the fact that White supremacist leaders encourage their followers to join the police force as a means to cause harm to people of color. I was there when it was said. I was in the room where it happened.

I'm here to bear witness to my own experience. I grew up in a lower middle class, tough Irish Catholic neighborhood in South Philadelphia. I had a mother who was a drug addict and an abusive stepfather. I feared going home so much that some days I tried to get hit by a car.

At the age of 13, I was kicked out of my mom's home and moved in with mydaddy, who lived in a mixed, very rough neighborhood in southwest Philadelphia. I was the new kid, a skinny punk rock White boy at an all-Black middle school. This is where my fear turned to hate.

That summer I went up to visit my cousin in Lancaster County, Pennsylvania. This is Amish Country. And although my family was not Amish, and I promise you there are no Amish neo-Nazis, I thought my cousin and his friends were cool. They were older. They were neo-Nazis. I would hear them make racist comments even though they'd never spent any time around Black people.

When they heard where I went to school, I became the urban inner-city expert and I began to feel I mattered. The day that I decided to join this movement was the day I saw other people fear my group of friends. I saw them as powerful. Up until that point I might be a teenager, but inside I was a seven-year-old scared little boy who feared everything. I feared my parents, my step-parents, my school. I feared if I was going to have enough food to eat.

I wanted people to fear me, so I became a member of the neo-Nazi movement. I got a swastika tattooed on my neck to prove my undying loyalty. I joined the movement for survival, which made me grasp onto every word that was said in the room.

And here is what I heard. In 1991, I attended a meeting run by the White Student Union at Temple University. This was a monthly meeting of about 15 to 20 members. They were mostly college guys, so they were career-minded. They would use words, they would say to us that we need to grow out our hair, stop getting tattoos, and get ready to go into the military or police. Two people that were at that meeting later on became cops.

That same year, I attended a small meeting in Baltimore run by the National Socialist Movement and a group called SS Action. I heard the same rhetoric there. They told us to join law enforcement so we can give Black people felonies so they would not be able to legally arm themselves and they would not be able to vote.

Later, in Lehigh County, Pennsylvania, I attended a Hitler birthday party. This was put on by the Christian Posse Comitatus. And at that party Mark Thomas talked to us about how he was happy with our numbers. We had a lot of members. But he thought we were too rowdy. He said we needed to chill out and get rid of our tattoos and be better soldiers for the movement.

Mark Thomas held Bible studies regularly. We would all gather inside these military tents in his backyard and we would read the

Bible, shoot some guns, and prepare to destroy Sodom and Gomorrah. This experience was meant to militarize us and push us to gain more professional training in law enforcement.

In 1992, I attended a meeting of about 100 people in Montgomery, Alabama. This meeting was run by the Aryan Youth Front, where Bill Riccio urged us to join the military so we could get real training.

In late 1992, I went to Aryan Fest in a desert town in California. At that time, I still had a big swastika tattooed on my neck. Many people made comments about me, that I need to get rid of it and grow out my hair because we need all of our people to join the military and/or police.

The fact that many of these neo-Nazis became cops means there's something not right with the screening process in law enforcement and I believe it is possible to fix.

I hope that by me speaking out today, and with God's help, we can at least start stitching this wound in America and stop just putting Band-Aids on it.

Breonna Taylor mattered. Black lives matter. Thank you.

Mr. RASKIN. Mr. Meeink, thank you very much for your compelling testimony.

And, Sheriff Napier, you are now recognized for your five minutes of testimony.

**STATEMENT OF MARK NAPIER, SHERIFF, PIMA COUNTY,
ARIZONA**

Sheriff Napier. Good morning. I appreciate the opportunity to appear before the subcommittee this morning, and I thank you for that. My name is Mark Napier. I am the sheriff of Pima County, Arizona.

The law enforcement profession shares the concern that any bad actors may infiltrate its ranks. Moreover, we share community outrage at the conduct of a very few members of our profession when they act out with violence and racial animus. However, these are the actions of a very, very few members of law enforcement.

Every day, in communities large and small, thousands of law enforcement officers make over a million contacts with the public that result in no use of force or give rise to the appearance of any racial bias. In point of fact, most public contacts with law enforcement are the result of a call for service.

The law enforcement profession makes every effort to weed out bad actors. Our hiring and training process is rigorous. Prior to employment, we conduct comprehensive background investigations, oral interviews, polygraphs, and written examinations. Today, we even scan social media looking for troubling posts and questionable associations.

Successful candidates then go through extensive training. This training includes cultural awareness training, racial bias training, and use of force training.

Upon completion of academy training, new officers go through field training, where he or she is evaluated and observed by a tenured, high-performing officer.

At the conclusion of field training, the new officer is on a probationary period for one year, during which time his or her perform-

ance is reviewed and observed by a field supervisor. The officer is then evaluated for the duration of his or her career.

We take every step possible to weed out bad actors and bad candidates and then to professionally train, observe, and evaluate our officers throughout their career.

It would be dishonest to suggest that bad actors do not slip through despite our best efforts. However, this is not unique to law enforcement. Every profession risks the prospect of a bad actor infiltrating its ranks and tarnishing its standing.

These isolated occurrences, for any profession, should not be used as an indictment of its entire membership or as a catalyst to assert that the isolated bad acts are evidence of systemic prevalence. As Americans, we do not believe the bad acts of a few members of any group provide justification for bias, stereotyping, prejudice, and discrimination against all members of that group. This is always wrong, even when it's cast toward law enforcement officers.

I've been a law enforcement officer since 1981. I hold a bachelor's degree in social psychology and a master's degree in criminal justice. I do understand the manifestations of both overt and implicit racial bias.

Moreover, I believe that racism, discrimination, and socioeconomic inequality still exist in our country and constitute a serious problem. Racism has been a scar on our country since its founding, and I believe it is still alive today.

During my three-decade career in law enforcement, I have not found any evidence to make me believe that racism or White supremacy is systemic—and systemic is a very important word—in our profession.

Assertions to the contrary I believe to be false, not out of naivete, ignorance, or a lack of personnel exposure to the profession, rather because I have simply not been exposed to any evidence that would lead me to reasonably believe that systemic racism and infiltration of White supremacy into the profession which I have dedicated nearly four decades of my life to is present in modern day law enforcement.

Again, I appreciate the opportunity to testify before the subcommittee this morning and I welcome any questions that any members might have. Thank you.

Mr. RASKIN. Sheriff Napier, thank you very much for your testimony today and for joining us.

Finally, we will hear from Heather Taylor, the president of the Ethical Society of Police of St. Louis, Missouri.

And, Ms. Taylor, you are recognized for your five minutes of an opening statement.

**STATEMENT OF HEATHER TAYLOR, PRESIDENT, ETHICAL
SOCIETY OF POLICY, ST. LOUIS**

Ms. TAYLOR. Thank you for having me this morning. I would like to start off. Once again, my is Heather Taylor. I recently retired, last Friday. I was a 20-year veteran of the St. Louis Metropolitan Police Department. I was a detective sergeant in the Homicide Section. However, I am speaking on behalf of the Ethical Society of Police.

The Ethical Society of Police was founded in 1972 to fight racial discrimination in our community and our police department. We have approximately 325 members in the St. Louis City, St. Louis County, and Ferguson area. We are roughly 97 percent African American.

I am here to give my perspective on White supremacist ideologies and White supremacist sympathizers in law enforcement.

The FBI report from 2006 about “White Supremacist Infiltration in Law Enforcement,” the Plain View Project, which affected our police department greatly, which exposed racist content by police officers, and numerous other reports, are clear examples we have a problem with White supremacy and racism in law enforcement.

I want to provide my perspective by telling a true story. For nearly seven years, I have repeatedly reported an officer for his racism. I learned this officer had a penchant for making racist statements about Black people on social media. He once stated, “Black people are pathetic.” He also cheered a Black man being shot in the head, posting, “You can take him out of the ghetto, but you can’t take the ghetto out of him.” A Black woman accused him of saying “Only prostitutes and drug dealers own Bentleys.” Another time, he made a racist statement about Black people and welfare.

This officer was also reported for racial profiling by a citizen. He’s also a field training officer, training hundreds of officers within our police department.

He’s never been fired for these statements and these complaints, despite people like myself, who is a sworn officer, and citizens making these complaints.

These statements were not the worst of his actions. This officer and other officers killed a Black man under questionable circumstances in 2012. I was the scene investigator on that case. That case haunts me to this day.

He used a banned chokehold. Another officer tased this man six times—six times. The officer violated numerous policies. A witness said that one of officers used the n-word during this incident. Others stated the victim resisted arrest.

The use of the n-word, all witness statements relayed to me, all questionable actions by the officers were placed in a police report, an official document. The report was turned over to the Internal Affairs Division for review for criminal charges or discipline.

I was told the officers were returned to full duty. No charges were filed. I just couldn’t believe it, so I delivered a copy of the police report to the Circuit Attorney’s Office in 2013, months after the case was finally done. I just couldn’t believe that there were no charges, there was nothing.

To this day, I don’t know if a grand jury ever reviewed the case for any form of charges. I don’t know the discipline of that case.

In 2020, this same officer that used that banned chokehold made an insensitive Facebook post about another Black man. This time it was George Floyd. It was about chokeholds and his belief that George Floyd’s murder was justified.

I believe more extensive background checks are necessary with hiring. I believe the immediate termination and removal of police certifications of officers that support White supremacy, that are

corrupt in any way, that these officers should be removed immediately.

And it is clear that anyone saying that you can train away racism, they're wrong. You cannot train away racism. You just can't. You need to weed it out. You need to fire them and terminate them if they're officers.

I also believe that whistleblower protections need to become a priority. I've risked my life by reporting officers. I've received death threats from officers, officers liking the idea of me bleeding out on a call by myself.

It's impossible to break the blue code of silence if there are no protections in place that empower officers to come forward.

I would like to also state that in 2017, a Black officer, Milton Green, who grew up in the inner city, survived and became an officer, he was shot in 2017 by a White officer. There were racial undertones about that incident. That was in 2017.

Three months later, Detective Luther Hall was brutally beaten, in his own words, like Rodney King, by four White St. Louis City police officers. Those officers have been federally indicted.

I would also like to state that COVID-19 is the leading cause of death for police officers and suicide. The leading cause of death. We are losing officers by COVID-19 and suicide. We have had 45 officers this year, unfortunately, including Officer Tamarris Bohannon, who was shot and killed, that have been shot and killed or died by force, use of force.

I think it's important to address that sympathizing with White supremacy is a problem within our law enforcement communities. That is a reality. And what we see with the officer that I am speaking about in my example is that he is a field training officer. He's training other officers to become officers. There's no way that he should have been allowed to continue in this field.

I would also like to add in this that there was a recent study by Citigroup that listed that \$16 trillion is a result of racism in our country—\$16 trillion. That's what we have as a result of racism in our country. And that includes law enforcement and the settlements that have been made regarding racist officers and sympathizers within our police department.

I welcome any questions. Thank you.

Mr. RASKIN. Thank you very much, Sergeant Taylor.

And, with that, we have completed our witness testimony, and we will enter upon questions.

I now will recognize myself as Chair for five minutes of questioning.

I want to start with Professor Johnson to address the First Amendment implications of this, because I know that there are Supreme Court decisions that say that you can't discriminate against people in public hiring based on what their political ideology is, but I wonder if you would speak to the speech conduct distinction in some of the things, for example, that Sergeant Taylor just talked about in terms of officers letting their beliefs influence their actions on the job, either toward citizens, or toward fellow officers?

Ms. JOHNSON. Sure. I would be happy to answer that question.

So, I think it is important to note that public servants are limited in some of their speech in a lot of ways, and that is true for

Federal employees, judges. There are all sorts of ways that we limit the speech of public servants. And there have been court decisions, most notably by the Second Circuit, that say that when an officer's speech is at odds with a police department's interests in having the trust of the community, that the interests of the police department outweigh the First Amendment concerns of the police officers.

There was a famous case that took place in New York City about officers who had been a little afloat in expressing very racist stereotype, and, ultimately, the Second Circuit ruled that those officers could be immediately terminated.

Mr. RASKIN. Thank you, Professor Johnson.

Mr. German, dozens of officers have been killed by White supremacists, as you point out. The unredacted FBI document that we have released today mentions different threats of White supremacists going out onto the police forces, as Mr. Meeink talked about, being encouraged to do by neo-Nazi groups. They talk about the risk of sabotage, the risk of having access to elected officials, the risk of having access to weaponry, and opportunities to use it.

What do you think are the biggest risks of White supremacists actually infiltrating law enforcement?

Mr. GERMAN. I believe the biggest risk is that the risk to communities policed by officers who are associated with White supremacist groups are engaged in other racist behavior. And I am disappointed that the FBI has disavowed, apparently behind closed doors, its 2006 assessment, particularly because the 2015 assessment is much nearer in time, and much more direct about what it is talking about. Not just that officers might have White supremacist ideas, but that they have active links to subjects of FBI domestic terrorism investigations.

And the reason I am concerned about that is because the FBI already deprioritizes the investigation of White supremacist violence. And this kind of disavowal disparages the work of very good and effective FBI agents who work these cases, despite the fact that they are not a priority.

And there are a number of cases. The FBI, in 2017, ran an operation that identified two corrections officers who were involved in a Ku Klux Klan plot to kill a Black inmate. You know, these kinds of cases are critically important, and there are many of them. I could go on. And we don't want to have the FBI creating a chilling effect within its own agency that would slow down the investigations like this when we already have in civil rights color of law cases declination rates upwards of 96 percent.

So, you can imagine how hard that is to continue working when you have that kind of attitude from your superiors.

Mr. RASKIN. Thank you.

Mr. Meeink, let me come to you. I think it may have been Sergeant Taylor who voiced some skepticism about whether you can train somebody out of their racism, and that that—certainly that seems right in the abstract. On the other hand, maybe your career or your own evolution is a counterexample to that. We know Sheriff Napier spoke about the importance of racial-cultural sensitivity training.

Do you think that is enough to make it work, and how did you get out of the White supremacist ideology that you were so steeped in? You have got to unmute.

Mr. MEEINK. Thank you. And thank you for the question.

Everything can help. Anything that gets more people involved with other human beings is something that will always help. That is what changed my life, was having the consistent—God put people in my life to prove me wrong consistently to take the right spiritual path.

What I tell you—what I know about how I changed my racism is that I learned that empathy plus humility equals humanity, and I must be of service to people at all times, and that has changed my life dramatically for the better.

The more important part about the policing is that we need to take this very seriously, and the fact that I am talking about events that were 30 years ago. Do you know how many movements and groups have started and have done the same thing since then? So, it is a real problem. It is really in there. We are finding more and more stories.

Since my article came out in *The Daily Beast* a couple weeks ago, more and more officers have been outed, and we will continue to do that.

The training is a great option. We need more people to really get involved with communities that they once hated or are afraid of. A lot of the officers that we are getting are officers that are coming from the suburbs, that come into the cities, or suburban police forces that are getting a lot of men that are full of fear, fear that I used to fear.

I looked in the face of that man with his knee on George Floyd's neck. He had arrogant fear written all over him, and that is what leads to racism, and that is racism, is that arrogant fear—

Mr. RASKIN. Thank you. My time is all up, Mr. Meeink. Thank you very much.

I now yield to the distinguished ranking member for his five minutes of questioning.

You have got to unmute, Chip, if you are—

Mr. ROY. Thank you, Mr. Chairman.

I appreciate that, Mr. Chairman. I appreciate all the witnesses. Thank you for your testimony, particularly those of you who served in law enforcement. Not to, you know, belittle those who didn't, but just appreciate your-all's service and appreciate you, Ms. Johnson, who said that you have family members in law enforcement, so I appreciate you all being here.

Mr. Chairman, I would like to put into the record an article that *The Wall Street Journal* had—it is an editorial to be clear—called “Who Watches the Hate Watchers,” about the Southern Poverty Law Center's recent turmoil. Knowing the video that was put out here at the beginning of the hearing was a Southern Poverty Law Center video—

Mr. RASKIN. Without objection.

Mr. ROY. Yes. The journal just points out some of the issues that the Southern Poverty Law Center has had within its own ranks, and they have been kind of making some internal reviews about racism and sexism and other issues inside Southern Poverty Law

Center. Just putting that in the record as indication that this is—we have societal questions, and so, I am perfectly comfortable having these conversations here with law enforcement as well, but that we should be looking across all these organizations, particularly organizations who are focusing so heavily on it.

A question for Sheriff Napier. Could you describe, sir, the current difficulties you have in the hiring process and some of the processes you all go through with respect to diversity and training and your hiring processes?

Sheriff Napier. Well, clearly, hiring is a significant challenge right now. The current national rhetoric around law enforcement has not helped that, especially trying to recruit, as we desperately do, people of color and people from socioeconomically disadvantaged background is especially hard, because when you have this supposition that there is systemic racism in the profession, it seems unwelcoming to people of color and people from socioeconomically disadvantaged background.

So, it is an extreme challenge for all of us right now to hire, but then, also to retain. Once people get into this profession, it is now more difficult to retain them.

My son is a Tucson police officer. And, with some of the recent events, he said something that I hope will touch all of your hearts. He told me that when he became a police officer, he said, “Dad, I was willing to lay down my life for my community. I realized that that was part of what I had signed up to do.” He said, “but, Dad, I never signed up to be hunted like an animal.”

And the execution and the ambush of law enforcement officers has a very disquieting and chilling effect on law enforcement officers and the ability to recruit these young people. So, this is an ongoing challenge, and it is not getting better anytime soon. There are certain economic drivers, of course, but the current rhetoric around law enforcement is not helping our recruiting efforts, especially into these communities where we would really like to recruit better.

Mr. ROY. Sheriff, would you find it troubling—you are not the sheriff here in Travis County, Texas where the city of Austin is, which I represent, but the city of Austin just cut its department by a third, upwards of \$150 million. They are now having to reroute and take folks from one—for example, the drug unit, they are having to move people off of that just for regular patrol. They are having now—and sometimes—and they canceled—as I noted in my opening statement, they canceled the entire recruiting class, this existing class, which was the most diverse in history.

Do you see that as a problem? Do you see that as something that might be a nationwide problem beyond what I am just seeing here firsthand in Austin, Texas?

Sheriff Napier. Of course. We are not asking law enforcement to do less. When I became a police officer in 1981, law enforcement was arguably pretty simple by comparison to what it is in 2020. We are asking law enforcement officers to be mental health professionals, substance abuse counselors. We are asking more and more.

So, the idea that you would remove funding at the very time when we are asking more of law enforcement than we ever have is nonsensical. Should we have a great community dialog about the

redefinition, redefining of what law enforcement does and what services it provides a community, and the manner in which those services are provided. That is a sensible dialog. But I think that results in greater funding to law enforcement, not less.

I just approached my board of supervisors to have additional appropriations for the hiring of community engagement specialists, which will be people that have specific mental health and substance abuse training, that will respond to calls that normally a deputy would respond to, because they are a better tool. So, we are actually going in the opposite direction.

Mr. ROY. Sheriff, I have got 30 seconds left, and I want to be mindful of the clock as the Chairman just did, and I would just close with this question:

You just touched on a very important issue that I would love us to have a long conversation about. The additive nature of having additional resources and mental health counselors and folks to support and supplement law enforcement, versus a blunt lack of law enforcement because of a reaction to issues that has been undermining law enforcement. Can you just speak to that, the additive nature versus the subtractive nature?

And then I will yield back, Mr. Chairman.

Sheriff Napier. Yes. I think the community is rightly concerned about what role law enforcement fills, and we are better able to fill that with more resources, not less. And the indiscriminate arbitrarily cutting of a third of a law enforcement agency is nonsensical, and does very little to enhance public safety, or to enhance the ability of law enforcement to respond to the evolving needs and desires of the community for public service.

So, I would conclude there. Thank you.

Mr. RASKIN. Thank you, Mr. Roy. Thank you. Thank you, Sheriff.

I now recognize the Chair for her five minutes of questioning. Please unmute if you would, Mrs. Maloney.

Mrs. MALONEY. Hello? Can you hear me now? OK. Thank you.

Mr. German, I want to zero in on your August 2020 report. In that report, you said that the FBI had previously identified the main problem of White supremacy in law enforcement as, quote, “a risk to the integrity of the FBI investigations and the security of its agents and informants,” end quote.

What do you mean by that?

Mr. GERMAN. I certainly—thank you for the question, Chairwoman Maloney.

I believe that my concern is, when you look at the 2006 assessment and the 2015 counterterrorism guide, the FBI identifies the primary problem of White supremacist infiltration of law enforcement is the risk it poses to FBI investigations and law enforcement personnel, rather than recognizing that the FBI also has a mandate to protect civil rights. And I believe that the primary problem with White supremacist infiltration of law enforcement is the threat it poses to the communities these officers police, and unfortunately, that is not—even with the full redactions removed, that is not the primary concern reflected in those documents.

Mrs. MALONEY. Well, it seems that the FBI disagrees with you. They have refused to provide testimony for this hearing, and they

have repeatedly told us that the 2006 threat assessment is an irrelevant and outdated document.

So, in your report, you note that the FBI report does not address the potential harm White supremacist police officers pose, quote, “to communities of color they police or to society at large.”

What is the impact on communities of color—can you elaborate, when police tolerate racism in their ranks?

Mr. GERMAN. The criminal justice system, there are racial disparities at every step, from who the police stop, to who gets searched, to who gets arrested, to how they are charged, to use of force charges. And we have seen these disparities persist over many decades now.

And, as long as there is a continuing persistence of White supremacist involvement and racist behavior in law enforcement, that is going to color the perception the public has about police, particularly in the communities that are most heavily policed. And that disruption between the law enforcement and the communities they serve undermines the security of all of us.

Mrs. MALONEY. Also, in the 2006 assessment, the FBI stated, and I quote, “white supremacist infiltration of law enforcement can result in other abuses of authority and passive tolerance of racism within communities served,” end quote.

Do you believe that observation has been borne out by current events that we have been observing the past few months?

Mr. GERMAN. I do. And, again, this isn’t a new problem, and there are FBI agents and field officers across the country who are doing good work on this topic, but, because that work is deprioritized within the FBI, it becomes difficult for them to be as successful as they need to be. And, you know, I would particularly look at civil rights color of law violations and the high rate of declination.

Mrs. MALONEY. Given all this, do you think that it is irresponsible of the FBI to continue to ignore this problem?

Mr. GERMAN. Absolutely. If the problem is large enough for the FBI to warn its own agents, I think it is important that the FBI and the Department of Justice put a national strategy to protect the public from these officers as well.

And I totally agree that this is a small minority of police officers who are engaged in this behavior, but as long as it persists, it affects the whole system.

Mrs. MALONEY. Thank you.

Mr. Meeink, earlier this month, you gave an interview to The Daily Beast describing how multiple members of your gang had infiltrated the police department.

What would you say to those who think that White supremacist infiltration of law enforcement is not a real threat?

Mr. MEEINK. Thank you for the question.

To answer that question, I know the facts. I know that there are people that I used to run with who are not very spiritually good people, and they are racist from the core, and I just would fear—if I was a Black person being pulled over on the side of the road, knowing the people I know that became cops, I would be fearful, too.

I yield my time.

Mrs. MALONEY. This is my last question.

Given your experience, do you believe that there is a real problem of White supremacist infiltration of the police department?

And then I yield back.

Mr. MEEINK. Thank you.

So, just to give you some experience real quick, I was a hockey coach for a long time. When I got out of the neo-Nazis, I had a great job of being a hockey coach. And the reason why I bring that up is because every hockey team has an agitator, right? He is the guy who goes out and starts trouble with the other team during the game.

No matter what that man does, every person on that team has to stand up for him. So, when you have one racist Nazi cop in a precinct, the other cops might even not know his full beliefs, but just have to back him up at all times no matter what.

And I think that is kind of the trouble that we are getting ourselves into, is that people—with the blue line, we will protect one another and not have to want to cause division between ourselves, even to call out somebody who is wrong. So, I worry about that, that they will protect each other because of the blue line, like a hockey team.

Mr. RASKIN. Thank you, Mr. Meeink.

And the gentlelady yields back. Thank you, Madam Chair.

I now recognize Mr. Clay for his five minutes of questioning.

If Mr. Clay is not there, I am going to go to Debbie Wasserman Schultz, or it looks like she may have had to step away.

Let's see. I am coming to Mr. Gomez. I see you are present, Mr. Gomez. You are recognized for five minutes.

Mr. GOMEZ. Thank you so much, Mr. Chairman.

One of the—Mr. Meeink, you have already given us your disturbing firsthand account of organized White supremacist attempts to infiltrate law enforcement. The FBI's 2006 assessment added that White supremacist leaders and groups have historically shown an interest in infiltrating law enforcement communities or recruiting law enforcement personnel.

Can you tell us how this assessment squares with your own personal experience?

Mr. MEEINK. Thank you for the question.

Off of my personal experience, coming up in the neo-Nazi world, we weren't so much worried about the cops on the outside. We were more worried about FBI and other further investigations. So, we never had a full-on hatred toward the cops. They were just kind of a speed bump.

But we knew that, in learning how to become police officers, we could affect our community better toward our views. And, when I say "better," that is the disturbing fact and trend that I do see coming through the police department right now.

Mr. GOMEZ. The FBI also noted in one of its redacted passages, revealed today by the subcommittee, that it was concerned about unreported instances and the infiltration that has gone undetected. It further noted that the possibility that infiltration has gone undetected is of great concern.

As someone who has been in the room when organized White supremacists have had these conversations, do you think that the

FBI is being irresponsible when, today, it discounts a likelihood that racism goes undetected or unreported?

Mr. MEEINK. So, I know that, in the rooms, what we always have talked about was how to try to get around their tests to make sure that they don't see that we have either a neo-Nazi past or neo-Nazi beliefs. So, it is talked about regularly about how to try to get around their—it actually becomes a goal of theirs, is to get around the screening process of police departments. That is talked about in the rooms all the time.

Mr. GOMEZ. When these groups of White supremacists—is there often more than one or two, or how many would be in a particular police department, and would they operate more as a clique within that department or that station?

Mr. MEEINK. That would be projecting on my end, and I wouldn't have the facts to that, so I would really—I know that there is neo-Nazis that get in the police. I don't know how many do it at the time. I don't know—you know, I can't give you any—I don't want to speak out of turn or say something I am not—know as a fact. The other stuff I have talked about is fact. So, this, I don't know the answer to.

Mr. GOMEZ. Well, the reason why I am asking that question, in Los Angeles County—and this is a question for Mr. German. In Los Angeles County, we have—the sheriff's department has a long history of having—some people call it cliques, other people call it gangs, that dominate station houses and often have been terrorizing Black and Brown communities.

And I have actually appeared to the station. I went on ride-alongs with actually the sheriff's department in unincorporated east L.A., and it was something that I saw firsthand. One the stations in unincorporated east L.A. was called Fort Apache, right? So, last—so it is something that I actually witnessed myself.

But, just last month, a lawsuit alleged that one of these gangs inducts new members after they have been involved in shootings, or acts of brutality, by giving them inking parties, where they are tattooed with Nazi imagery. Chairman Raskin and I have asked the DOJ to investigate.

Mr. German, how do these violent gangs, or these cliques, fit into your view of White supremacist infiltration of law enforcement?

Mr. GERMAN. It is certainly one manifestation of the problem, and, you know, again, it—when you see these instances, it is often through civil rights lawsuits, or investigative journalists who are uncovering these cases. And then law enforcement responds once it is a public scandal, where, of course, people in law enforcement understood this was an issue long before the investigative journalists or victims of these abuses come forward.

And that is the problem with the FBI's reporting, is that it acknowledges there is a problem, but it—its solution is to advise its agents to protect their cases rather than having a comprehensive national strategy to identify these officers that are often known within their departments, and make sure that we are nipping this in the bud proactively, as we would if it was any other kind of terrorist group.

Mr. GOMEZ. One last thing is that I want to just acknowledge that the sheriff's department in L.A. has different cliques or gangs,

and some are White supremacist-affiliated, and some are multi-ethnic, and what happens is that, if you don't join that clique, there is a lot of pressure, like—as Mr. Meeink says, members who are joining, they're new to the law enforcement, they are new deputies, so like they won't be protected if their back is on the line while on the street. So, they have this weird pressure to join.

And, in the end, law enforcement should be committed, not to an ideology, but to the department and its ability to protect and serve the people of their communities.

With that, I yield back, Mr. Chairman.

Mr. RASKIN. Mr. Comer, you are now recognized for your five minutes.

Mr. COMER. Thank you.

My questions will be geared toward the sheriff. Sheriff, I appreciate you being here. I appreciate all the witnesses being here.

You mentioned the hiring process in your remarks, and I do think it is important that we have a very heavy representation of minority police officers, minority law enforcement, especially in the minority districts. I think that would go a long way toward solving a lot of the distrust that exists out there.

What are the current challenges you face with respect to hiring the right people and a diversity in hiring?

Sheriff Napier. Well, I would say, to some degree, this very hearing does not help that. When you alleged that there is systemic infiltration of White supremacists and people with racially biased ideology within the profession, it is not welcoming to people of color, and that is understandable.

I don't see that. What we are doing personally on my department is going down to inner-city high schools and trying to welcome these people very early on in their sophomore and freshman year of high school, trying to recruit down there, to say you have a home with our family, and to establish those relationships very early on.

But this continual assertion that there is systemic infiltration of White supremacists and people with racial animus in this profession does not help that. And I don't speak about this, you know, from anecdotal evidence or from an academic perspective, but, rather, as a practitioner for 39 years.

Mr. COMER. Well, I couldn't agree more, and I was going to ask you how you felt like the current national dialog among the Democrats, because it is among the Democrats, implying the systematic racism, their, you know, constant drumbeating to defund the police in certain cities, cities which, by the way, need law enforcement more than anyone, and even this committee, the title of this hearing, "White Supremacy in the Blue," I mean, what is that doing to law enforcement, or now the morale, to race relations? I mean, can you kind of give us an example of what it is like?

Sheriff Napier. Well, I think it has strained our relationship further with the communities that we struggle historically to bond with. It has been an ongoing struggle through the entirety of my career.

I would take you—I don't think this is purely a partisan issue. I think there are some Republicans that are concerned, myself being one of them, about having better relations with people of color, to better reach out, to better understand those communities.

I think that is a responsibility that law enforcement needs to embrace without respect to partisan ideology.

But these things are not helping our relationship with people of color and these disenfranchised communities that we historically struggle with.

Mr. COMER. I completely agree and supported many parts of criminal justice reform, especially sentencing and things like that, sentencing injustices. I believe we need more minority law enforcement officers. I have always said that.

But I do believe that the constant attacking of our law enforcement is heavily overweighted in the Democrat rhetoric right now, right before an election for obvious reasons, but, Sheriff, every profession has bad apples, and law enforcement is no exception.

What challenges do you face with respect to weeding out the bad apples once they become employed as law enforcement officers?

Sheriff Napier. Well, there are tremendous due process and union agreements that make it very difficult for us sometimes to weed out these bad apples, to—we have some people that have frightening disciplinary histories on our department, and it is hard to get rid of these people and to get them out the door.

So, it is an ongoing challenge, and we do want law enforcement officers to have due process rights, and to be protected, like any citizen would expect to be protected in the employment environment. But, to some extent, maybe these protections have gone a little too far and are a little too constraining on executives like myself, who recognize a problem and think that this person might be better equipped to be in a different profession.

Mr. COMER. Well, I completely agree. Let me thank you for your service, like all of our law enforcement women and men who put their lives on the line every day to keep us safe.

I have 14 seconds left here. I do believe that, if we are looking for bipartisan opportunities, bipartisan opportunities for us to work together, Madam Chairwoman, would be to eliminate the barriers that law enforcement have, like the sheriff just mentioned, in making it easier to get rid of the bad apples in law enforcement.

It is very difficult to fire someone once they get tenure or once they get merit, they become a civil servant, and it shouldn't be that way when you are dealing with bad—a few bad cops.

With that, Mr. Chairman, I yield back.

Mr. RASKIN. Thank you, Mr. Comer.

I now recognize Mr. Clay for his five minutes of questioning.

Mr. CLAY. Mr. Chair, did you say Mr. Clay?

Mr. RASKIN. Mr. Clay, yes. You are recognized for five minutes, and we have got you.

Mr. CLAY. Thank you so much to you, and Ranking Member Roy, for conducting this hearing.

And let me also congratulate Sergeant Taylor for your retirement and your service to the St. Louis community over the years. We appreciate that.

The types of posts and comments that the Plain View Project identified reflect anti-Black racism, anti-Hispanic racism, Islamophobia, homophobia, transphobia, and violence against civilians.

Sergeant Taylor, our city, St. Louis, was one of the cities explored by the Project, and as the head of the St. Louis Ethical Society of Police, can you talk about how these racist attitudes translate offline?

Ms. TAYLOR. Thank you for your question, and thank you.

So, the attitudes, how they translate, is that, in the city of Missouri, you are 91 percent more likely to be stopped and pulled over if you are African American, compared to White drivers.

Also how it translates is that African American officers in St. Louis City are 60 percent more likely to leave SLMPD within their first seven years.

We also know that African Americans in our community overwhelmingly apply to become police officers, even in this environment right now. African Americans want to be police officers, then they apply. The catch is, that the hiring process is sometimes not fair.

So, you have all those systemic factors that are in play, and they limit the opportunities of African Americans in our city to become police officers. And you think about the Plain View Project and what it did, is that it exposed these biases and these homophobia and racism, and what you see in a bigger picture is the systemic problems.

Mr. CLAY. And you mentioned in your testimony \$16 trillion as a result of systemic racism. Do you have any idea of how much St. Louis has paid out for police misconduct and wrongful death settlements? Do you have any idea about that?

Ms. TAYLOR. Oh, millions. Millions. We recently had an officer, a captain, who settled a lawsuit for one—over \$1 million for racism and discrimination.

We have Detective Luther Hall, who was brutally beaten by four White police officers. His partner, who is White, who was working with him undercover, wasn't touched. So, Luther was beaten, but not his partner, who is White. So, that is likely going to be a settlement.

Milton Green, who was shot by another White colleague, an officer coming to the aid of those officers, so that—you know, it is in the millions. They increased—doubled the budget for lawsuits now.

Mr. CLAY. Which burdens the taxpayer in a disproportionate way.

Let me ask you about a certain attorney, Kim Gardner's exclusion—exclusionary list, where she does not take certain cases from officers who have—who are on this list. I noticed that some of them match up with these posts that are from this article.

What does that do to the morale of police officers as—well, as other—as German has said, for the good officers? What does that do when they see these cases not being taken, and the whole thing about not being disciplined for these racist posts that are put up?

Ms. TAYLOR. It is very difficult. It is—in one sense, you are happy. You are absolutely—you are clapping that she is refusing to take their cases. But on the back end of it, we still have to work with these people. We have to work with people who are homophobic, who are racist, who are making these violent threats, and the belief—my belief is that a good majority of us are coming to work to do our job, and we do it fairly.

However, we have to stand up. We have to stand up as officers, Black and White. When we see these posts by other officers, and we see corruption, we have to stand up, and it is our moral—as far as, you know, your spirits are down a lot of times within the police department when you see these things.

Mr. CLAY. Again, thank you for your service.

And, Mr. Chairman, my time has expired. I yield back.

Ms. TAYLOR. Thank you.

Mr. RASKIN. Thank you very much, Mr. Clay. I now recognize Ms. Wasserman Schultz for her five minutes of questioning.

Ms. Wasserman Schultz. Thank you, Mr. Chairman.

The threat of White supremacy has become really more dangerous than ever, and meanwhile, the presence of White supremacists embedded within law enforcement makes it more difficult to detect and counteract threats from violent hate groups.

In June 2016, for example, California police officers were found to be collaborating and protecting members of the Traditionalist Workers Party, a neo-Nazi group, in order to target, quote, “antiracist activists” after a clash in Sacramento.

In February 2019, a police lieutenant in Portland was discovered to have a long-running friendly correspondence with a leader of Patriot Prayer, a far-right extremist group.

My own South Florida community has not been immune to hate within its own law enforcement ranks. In 2015, four Fort Lauderdale police officers were found to have exchanged violently racist text messages, leading to the dismissal of at least three-dozen cases against Black defendants.

Now, I don’t want to give the impression that this is representative of all law enforcement, but these examples, alone, are too many, and they undermine our Nation’s promise of equal justice.

So, Mr. German, my question is: Can law enforcement’s responses to White supremacists be blunted by sympathetic officers who don’t foresee right-wing terrorism as a threat?

Mr. GERMAN. Absolutely can be. And I think the solution is to—as Professor Johnson has advocated, that

[inaudible] prosecutors have to find them, and as Sergeant Taylor has suggested, protecting the good officers who report their colleagues when they engage in racist behavior, so that we can have a system that the good officers are able to report the misconduct of their colleagues without themselves being targeted, and then the prosecutors can make sure that those officers’ testimony is not being used in a way that would undermine the rights of defendants who are charged with crimes.

Ms. Wasserman Schultz. Sergeant Taylor, have you noticed a difference between how your colleagues assess threats posed by violent White extremists as opposed to those of other groups, like individuals, for example, protesting George Floyd’s murder?

Ms. TAYLOR. Yes. We have had colleagues that have been White and Black that believe that George Floyd was murdered. However, we do have employees that stated that, you know, it was justified, that seeing the knee in George Floyd’s neck was justifiable. And that goes with my opening statement that that officer was one of them, but he is not the only one.

And what that does is that it divides—it brings in that divide once again that just we are on opposite ends a lot of times when it comes to things like that along racial lines, and it doesn't help bring us together in—to do our job effectively.

Ms. Wasserman Schultz. Thank you. Last month, we saw a video of police in Kenosha providing water, for example, to right-wing militia members and telling them that they, quote, “appreciated their presence” even though they were heavily armed and out after a county curfew.

Later that night, one of those militia members, 17-year-old Kyle Rittenhouse, allegedly opened fire and killed two protesters.

Mr. German, in your experience going undercover with White supremacist groups, do you think that these extremists believe law enforcement, whether implicitly or explicitly, is more aligned with their world view?

Mr. GERMAN.

[Inaudible] there has more

[inaudible] believe so, and my frustration is those in law enforcement don't seem to recognize the danger that is their colleagues. You know, we have been a

[inaudible] department of 30 officers—Santa Cruz County sheriff deputies attacked by far right militants. We haven't seen a change in police behavior toward these militants, and I think that poses a threat not just to the communities these police officers serve, but to law enforcement officers themselves.

Ms. Wasserman Schultz. As I close, it is time that we acknowledge the dangers of a police culture that compromises its ability to address violent right-wing extremists by tolerating it within its own ranks, even if by a small minority. And I was glad to hear Mr. Comer say that we need to go after bad apples, but, by failing to fully tackle what internal law enforcement studies have flagged as a problem, the public confidence in our police is further eroded at a time when we can least afford it.

So, I appreciate the opportunity to have this hearing today, and I yield back.

Mr. RASKIN. THANK YOU, MS. WASSERMAN SCHULTZ.

I now recognize Ms. Ocasio-Cortez, the vice chair of the subcommittee, for her five minutes of questioning.

Ms. OCASIO-CORTEZ. Thank you so much, Chairman Raskin, and thank you to all of our panelists, to our witnesses here today for your testimony and offering your insight.

Before I begin, I would like to ask unanimous consent to submit to the record a Department of Justice—a report on hate crime victimization, and a CNN article which summarizes the report.

Mr. RASKIN. Without objection.

Ms. OCASIO-CORTEZ. Now, far too much of the discussion around the issue of White supremacist infiltration in policing focuses on whether this problem exists at all, and we have known for generations that it is not a question about whether this problem is an issue, it is a matter of how we have allowed it to sustain for so long.

Congress, as well, has been complicit, and our silence has allowed for more violence and continued generational trauma in our

communities, and the question was raised by the ranking member earlier: why do we keep talking about this?

We keep talking about this because we have not solved this problem. And I want to make very clear that, when we talk about systemic racism, we aren't litigating the individual attitudes of any one officer. We can all exist in racist systems, and you do not have to be racist or consciously racist in order to participate in these systems.

And I think it is quite evident when you look at the outcome of the war on drugs. A systemic racism is about the laws that are on the books. It is about the types of enforcement that happens. It is about how many officers get designated to some communities more than others that yields racial disparities in their outcomes. It doesn't have to do with litigating each and every one individual officer. And that is really the issue that is at play.

One of the things that I wanted to discuss is we have to stop asking about how—if White supremacy in policing exists, and I think we need to start figuring out how we can better determine the scale of this problem. How big is this issue?

Mr. German, in your report, you write about the unbroken chain of law enforcement involvement in violent organized racist activity right up to the present day, but you also note that only rarely do these cases lead to criminal charges.

So, why is that?

Mr. GERMAN. Thank you for the question.

I believe it is difficult to prosecute police officers, partly because of the way the civil rights laws are written and have been interpreted by the Supreme Court. So, there is certainly room for Congress to work on that, but, also, for how the FBI investigates these crimes, where—when there is an incident of alleged police brutality, that the law enforcement—the FBI will often investigate that very narrowly, much the way they do hate crimes. Are we able to prove that there is some kind of bias or intention to violate civil rights in this case, rather than looking comprehensively at that police officer's past to know whether that bias could be proven by other means?

And then those cases are sent to Justice Department prosecutors, and the vast majority of them are declined for prosecution, so it becomes a matter of rote. FBI agents know that they just churn these cases out for declination.

Ms. OCASIO-CORTEZ. Thank you.

And, Sergeant Taylor, in your decades-long career in law enforcement, how often would you see officers who harbored and acted on White supremacist views actually held responsible for their actions?

Ms. TAYLOR. Very rarely. Very rarely. We have an officer that, with COVID-19, who made a statement about Chinese Americans and COVID being spread in San Francisco, reported him, had a citizen report him decades before he had been disciplined for 30 days for using the N word, and he is still on the street patrolling. So, very rarely.

Ms. OCASIO-CORTEZ. So, we have testimony that this is a problem, and it is not being—it is systemically not being addressed, but Professor Johnson, I have one last question.

I think it is important that we talk about the legal mechanisms by which—kind of that perpetuate this issue. So, let's talk about qualified immunity. How does the legal system, in general, including qualified immunity, protect racist law enforcement officers from accountability, and how can we hope to evaluate the true spread of this problem given those barriers?

Ms. JOHNSON. That is an excellent question. I think qualified immunity is certainly a barrier to holding police officers civilly liable. And then, we also have the fact that interests align between police and prosecutors, because the prosecutors depend so much on police officers to help make their cases, to see a situation where, you know, officers aren't being held responsible within their own ranks; they are not being held responsible by prosecutors, and they are not being held responsible through our civil courts.

So, it is just a significant problem.

Mr. RASKIN. Thank you, Professor Johnson, Ms. Ocasio-Cortez.

I now recognize Ms. Pressley for her five minutes of questioning.

Ms. PRESSLEY. Thank you, Chairman Raskin, for convening this hearing. I think it is worth repeating history, and the roots of policing are inextricably linked to the Antebellum slave patrols of the South that led to the establishment of all-White police departments. And, since the Fugitive Slave Act, criminal law enforcement has meant the subjugation and dehumanization of Black lives.

After the Civil War, police departments and local governments throughout the country were saturated with Ku Klux Klan members and sympathizers who refused to intervene in their campaign of terror. And, by the early 20th century, the KKK had over 1 million members.

Mr. Meeink, given your experience with White supremacist groups, do you think that contemporary organizations have tried to continue this campaign of influence on law enforcement?

Mr. MEEINK. Thank you for the question.

Yes, ma'am. I believe that, you know, the—a lot of the old neo-Nazi groups have now become more groups, like the Proud Boys, and a lot of those Proud Boys are filling and wanting to be police officers. They are now flying the cop flag at all their rallies and in their homes.

I mean, they are—so the Proud Boys, who used to be the—what I would consider and are the neo-Nazis of the early 1990's and 1980's, are planning to gear up to become law enforcement. That is their now new goal, because they see the damage they can do and get away with it. That is why they want to join. They know that they can—the war on drugs—as AOC said, the war on drugs and the treading on our Fourth Amendment allows bully cops to pull us in cars and bring dogs around us to search us when we have not committed a crime, and we are the citizens, and our civil servants should not be able to do that.

I will yield my time.

Ms. PRESSLEY. Thank you. And it is clear from historical record that we cannot simply rely on training to address this problem. Across our country, racism is often ingrained in official and unofficial police training.

So, take the case of Travis Yates. After the Minneapolis mayor banned so-called warrior training for the city's cops to reduce police

violence, Yates offered to train Minneapolis police for free. And, this summer, in the wake of George Floyd's murder in Minneapolis, Mr. Yates, a police officer in Tulsa, Oklahoma, was recorded saying that Tulsa police shoot African Americans, quote, "less than we probably ought to," end quote.

Then there is John Guandolo, an ex-FBI agent, whom the Southern Poverty Law Center describes as, quote, "notorious Muslim basher and conspiracy theorist," end quote. He has provided law enforcement trainings in at least seven states since leaving the FBI in 2008.

So, Sergeant Taylor, have you heard of or had any experiences with these kind of racist violent trainings?

Ms. TAYLOR. They do exist, and the example that I used in my opening statement, that officer's defensive tactics, a training officer, and he trains another jurisdiction, and after, you know, we complained on him, thank goodness they no longer use him to train other officers.

So, yes, you know, he is steeped in violent ideologies, racism toward African Americans, Muslims, you name it, and he trains other officers.

So, that is present. It is very much present in law enforcement with these officers, and they are allowed to fester and fester and fester. And the policies allow that.

Ms. PRESSLEY. And might I also just, you know, add to—for a moment, I appreciate the enthusiastic affirmation in support of the need to end qualified immunity. I have introduced a bill with Justin Amash to do that, to address the callous impunity and disregard for Black and Brown lives. I mean, there can be no justice without accountability, and there is no accountability for as long as we have that doctrine.

Mr. German, have you seen other instances where police training has emerged as a pressure point for spreading White supremacist views?

Mr. GERMAN. I identify—you know, even in implicit bias training, which we expect to be the most comprehensive in anti-racism, I quote three separate trainers who say they specifically avoid mentioning explicit racism in law enforcement, because they don't want to offend their audience.

And that, I think, is a bigger part of the problem, is that, by willingly turning a blind eye to this problem, we allow it to fester rather than taking it head-on and making sure we understand that we can't stop or correct implicit bias and unconscious bias if we don't address overt and explicit bias.

Ms. PRESSLEY. And Professor Johnson, given the sequence of events that took place in Kenosha, Wisconsin, when Kyle Rittenhouse murdered and injured Black Lives Matter activists, can you give us your view, because I think history is so important, on the evolution of American law enforcement as a protector and ally of White supremacist groups?

Ms. JOHNSON. I mean, your question illustrates how significant this history is, I mean, between the first police departments being organized to catch enslaved people, to the lynchings that took place for decades without any White people being held responsible by law enforcement; to, you know, a lot of unrest that we saw in Los Ange-

les in the 1990's and elsewhere, that this is something that is consolidated power within the state, and it is used against people of color and poor people in this country.

Mr. RASKIN. Thank you. The gentlelady's time has expired.

Ms. PRESSLEY. Thank you.

Mr. RASKIN. Thank you, Ms. Pressley.

And thank you, Professor Johnson.

I turn now to the representative from the District of Columbia, Ms. Norton. You are recognized now for your five minutes.

Ms. NORTON. Can you hear me, Mr. Chairman?

Mr. RASKIN. Yes, we have gotcha.

Ms. NORTON. Thank you.

This is a very important hearing that we are—and not the first one we have had on this subject. I am concerned that, despite identifying this problem, going back to 2006—we are in 2020 now. The FBI has done nothing to address what has become a growing threat, and now they appear to be arguing that it doesn't exist at all.

I note that two FBI witnesses did come before us last year. They gave us 2,000—more than 2,000 words of testimony. They didn't even use the words White supremacy once, and that is after the Charlottesville killing of Heather Heyer.

Even more concerning for me is that there has been a recent whistleblower report that alleges that senior Trump administration appointees have attempted to suppress a segment of a DHS threat assessment that predicted an elevated threat environment from White supremacist groups this year. That is what I mean about a growing threat that is still being denied by the FBI.

But, Mr. Chairman, I would like to flip to the other side of this issue, because I am concerned that, in recent years, the FBI has released a report on what apparently our experts agree is a fictitious movement they call Black identity extremism. I have found no expert that says any such thing.

So, I would like to ask Mr. German: Do you know of any such movement of Black identity extremism, and what does it mean to you that the FBI would rather focus on what experts seem to agree is an imagined threat of Black identity extremists, but not on the threat of White supremacists and police?

Mr. GERMAN. I think it is an example of the systemic bias that exists in law enforcement. The FBI remains an overwhelmingly White and overwhelmingly male organization, so, when their guidelines are altered to allow them to investigate groups without evidence of criminality, evidence of wrongdoing, they can target people that they are afraid of because of bias, rather than focusing on evidence that shows some individual or group that is engaged in violent conduct.

Ms. NORTON. Thank you.

Professor Johnson, can you talk about barriers inside of Federal law enforcement that make it difficult to give the issue of White supremacy the attention it requires now?

Ms. JOHNSON. Well, I think we just—Federal law enforcement lacks the political will to address it. There was an ABC poll in 2017 that found that 10 percent of Americans found it was acceptable to hold White supremacist or neo-Nazi views. So, you have to imagine

that there may be a similar number of law enforcement officers that feel that way.

And so, when you have got these problems inside of law enforcement and no real pressure from the outside to address this issue, it is going to continue to fester.

Ms. NORTON. Thank you.

Finally, I would like to ask Sergeant Taylor: As a local law enforcement officer, what are you looking for from the Federal Government? That is what we have to focus on here as Members of Congress. What are you looking for from the Federal Government to help you combat this threat? What could we do?

Ms. TAYLOR. I think that it is fair to—you can't

[inaudible] the problem

[inaudible] and speaking to the very people that are in the field that have experienced these atrocities that are Black, White, you know, homophobia, racism, all these different extreme views that officers have, we have to have those people at the table to discuss these things. And, if you don't have them there with these views that have experienced these things and fought these systems—and that goes for our community as well. If we don't have them present, everything can't be White and male. You have to have diversity there to bring these views into play to actually address them. It has to come from a well-rounded perspective.

Mr. RASKIN. Thank you, Ms. Norton, for your questioning.

And, finally, we come to Ms. Tlaib for her five minutes of questioning.

Ms. TLAIB. Thank you so much, Chairman Raskin, for allowing this courageous hearing to happen.

I do want to take a moment and recognize Sergeant Taylor's incredible courage as well. I know it hasn't been easy for you to speak the truth about what was going on while you were serving there. I am sure it is continuing even after retirement. So, we really do appreciate, especially in my community, that is 85 percent Black, I so appreciate you speaking up.

The issue we are discussing is not speculation, and I really, you know, worry that we continue to say that it is some sort of theory out there. It has been proven that it is our reality today, and White supremacy, as you all know, has not been confined to Facebook posts. It is just evident that what is actually bleeding into our communities, and that is making us all unsafe right now.

Recent horrific events have occurred in my district that have raised concerns for me. And, so, Professor Johnson, I want to start with you. Yes or no: Should we be concerned that some right-wing, White extremist groups see police departments as allies?

Ms. JOHNSON. Yes, absolutely.

Ms. TLAIB. So, this is something that I actually have seen firsthand in my district. Last year, the Detroit Police Department escorted a heavily armed neo-Nazi group waving Nazi flags and wearing swastika armbands as they disrupted a Pride festival.

In the aftermath, the Detroit police chief defended the protection of his department that he gave to armed White supremacists, saying with regard to anti-racist counterprotests that, quote, "Both sides were wrong," which drew outrage of course in our community.

However, the treatment of Black Lives Matter peaceful protesters by Detroit police recently, they were met with beatings, chokeholds, tear gas, and the rest. They had to go as far, these protesters had to go as far as to get a Federal judge, which agreed, that they have to stop using batons, chemical agents like tear gas, and chokeholds on protestors.

So, Professor Johnson, how does this kind of protection for neo-Nazis versus the violence toward those protesting right now for Black lives in Detroit, a city again that is 85 percent Black, make us safer?

Ms. JOHNSON. Again, I think its evidence of exactly what this subcommittee is investigating.

Ms. TLAIB. Thank you so much.

You know, one of the things that is of concern to me is the FBI does not believe this topic was worthy of testimony today, even though their own report and assessments state that White supremacists have infiltrated police departments and could lead to tolerance of racism against Black communities.

And so when I hear your testimony, Sergeant Napier, you know, Captain—or is it Sergeant, I believe, Napier—are you there?

Sheriff Napier. I am, ma'am. Sheriff.

Ms. TLAIB. Yes, Sheriff. I'm sorry.

One of the things that concerns me, you know, you talk about your son, and I am of course concerned about a lot of things when it comes to policing in my community. But I want to take a close look at something that happened within your district.

Last November, one of your officers was caught on camera tackling a Black teen in foster care who lives without arms or legs, Sheriff. OK? He was tackled by an officer under your leadership. He was also seen abusing another Black teen who was merely filming the incident. That officer was not charged.

So, I'm wondering if that is the case of why you haven't been able to diversify your work force, your team, or some of the concerns I saw. I truly believe, you know, curious on your end what kind of treatment did that officer get? Was he held accountable?

Sheriff Napier. Well, first, we presented that, as we should. We put the officer on immediate leave and presented that matter to the County Attorney's Office, who made the decision to decline criminal charges. I was not—

Ms. TLAIB. So, he was never charged, correct?

Sheriff Napier. That was a basis on—

Ms. TLAIB. Do you think that is also leading to people not wanting to work for a police force that is constantly involved in criminal activity and assault of innocent civilians?

Sheriff Napier. Well, it was deemed not to be criminal activity, ma'am—

Ms. TLAIB. I understand.

Sheriff Napier.—because the County Attorney's Office made that decision. I did not make that decision.

Ms. TLAIB. I know. Sheriff, the system is broken, and I know you don't want to face the fact that you and your son are in a system right now that is broken. And I know you're deterring away from talking about it in that way.

But, you know, going back to Sergeant Taylor, one of the things that I know the Black Lives Matter protestors in my district have been crying out is please invest more into our schools, invest more into our communities and neighborhoods.

One of the things that I hear from my police officers is they weren't trained to be nurses or social workers or mental healthcare workers. They want to see more investment in that because that keeps them safe and that keeps the community they are supposed to be keeping safe of course safer.

Can you talk a little bit about that, Sergeant Taylor? Because I feel like much of what many of these protestors are out there demanding was just a shift in recognizing their lives matter and recognizing that they have to have investment in their quality of life, which again makes the job of law enforcement obviously much more at ease versus right now where they're criminalizing communities of color?

Mr. TAYLOR. Thank you for that question.

I think that most law enforcement officers would prefer having social workers in our jobs, because we don't want to respond to a lot of these calls because we are ill prepared for it. I studied psychology and I'm still ill prepared for it even with empathy.

And these ideologies about law enforcement are accurate in the sense that we have a problem with addressing our internal problems, first off. And then we have a problem with how we respond to these calls, because we want to put force in places that force is not necessary. This is what we're taught. We're taught to be these warriors where we should be guardians. And then even with being a guardian, we're ill prepared for that.

So, when people talk about defunding the police, when they talk about reallocating these resources, it's necessary because we need more conflict resolution. We have a lack of that. We have a lack of that in law enforcement. We have a lack of de-escalation.

And so when you bring in people that have these four-year degrees, which most of us do not have, and you bring those people in who have these specialties and skills, it can offset us responding and shooting a 13-year-old in the back who has autism.

So, it's important that we have these people in these jobs. And most of the time most law enforcement officers will agree that they don't necessarily want to respond on these calls anyway because we're ill prepared for it.

Ms. TLAIB. That's exactly what I'm hearing. Thank you so much.

And again, Chairman, I will pray for Sergeant Taylor. I know how extremely difficult it is for her to come up and speak the truth about this.

And really so much respect for you today. Thank you so much.

Mr. RASKIN. Thank you, Congresswoman Tlaib.

Thank you, Sergeant Taylor.

In closing, I want to thank not just Sergeant Taylor, but all of our panelists today for their extraordinary participation, Michael German, Sergeant Taylor, Professor Vida Johnson, Frank Meeink, Sheriff Mark Napier from Arizona. Thank you all for coming and participating so intelligently in this important conversation.

The question of the neutrality and the fairness of law enforcement all across America goes right to the question of our social con-

tract. If you read any of the social contract theorists, John Locke or Thomas Hobbes or Rousseau, all of them said that we enter into society because we'll be safer inside the social contract than outside of it, which Hobbes said was a state of nature, a state of war and violence, nasty, brutish, in short.

And so we enter the social contract, but we expect that the police who we pay to protect us will act with neutrality and fairness and respect for everyone in the community. And we know that the vast majority of officers enter with that idea.

So, the infiltration of White supremacist members, activists, ideas, and attitudes is a threat to public security and public safety and is a threat to the reputation of the law enforcement function, which I think all of us agree on. It is, whether you consider it a few bad apples or a lot of bad apples, but those bad apples can spoil the reputation of the whole barrel.

So, we hope that the FBI will stand up and take credit for the things that it is saying and doing to identify the problem and come up with a national strategy for making sure that we don't have that kind of infiltration and suffusion of White supremacist attitudes and ideas and actions in law enforcement.

With that, without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the Chair, and we will forward them to the witnesses for their prompt response. I ask all of our witnesses to please get it back as soon as you can.

And with that, I thank you all for your participation. The hearing is now adjourned.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned.]

