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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 5, 2021

The Honorable Dick Durbin
Chairman, United States Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Durbin:

I congratulate you on being named the incoming Chairman for the Senate Judiciary Committee. It has been my pleasure to partner with you on many issues over our years together on this committee, and I am very happy to serve with you as incoming Ranking Member. I know we will have many opportunities to continue to work in a bipartisan manner for the best interests of our country.

You have shown yourself to be passionately committed to the issue of domestic terrorism. I hope this will be an area in which we can work together. We have both been horrified by the senseless criminal acts that occurred at the U.S. Capitol on January 6, 2021. A violent mob was able to overrun Capitol Police and quickly gain access to the area where a Joint Session of Congress was being held. Five people, including a Capitol Police officer, died as a result of this attack. I hope that together we can get to the bottom of what occurred on that day and ensure that it never happens again.

In the spirit of collaboration, I must direct your attention to something that has concerned me, and that is: the need to condemn and combat all political violence regardless of ideology. Like many Americans, I have been deeply troubled by the rioting, looting, anti-police attacks, and deaths which have occurred this summer. While many very legitimately protested the death of George Floyd in a peaceful manner consistent with their rights under the First Amendment, thousands of others did not.

One of the most upsetting aspects of the violence this summer has been how it has targeted innocent law enforcement officers. Over 700 officers were injured between May 27 and June 8, 2020 alone.¹ This number is likely underreported, as nearly 300 of those injuries occur only in New York City. Acting Deputy Homeland Security Secretary Ken Cuccinelli testified at a hearing in front of this committee's Subcommittee on the Constitution that there had been 277 federal officer injuries at the federal courthouse in Portland, adding further to that total. Officers were assaulted nightly there for months—slashed, hard objects thrown at them, struck with objects like hammers and baseball bats, blinded with lasers. In another offensive, 60 secret service officers were injured during a sustained attack on the White House, which caused then-President Trump to be brought into the secure

¹ Ebony Bowden, *More than 700 officers injured in George Floyd protests across US*, N.Y. Post, June 8, 2020, <https://nypost.com/2020/06/08/more-than-700-officers-injured-in-george-floyd-protests-across-us/>.

bunker. The church across the street from the White House was lit on fire as a part of that continued assault.

Over 300 people were charged federally for their roles in these weeks and months of violence. Eighty of those charges related to the use of arson and explosives.² Others involved assaults on officers and destruction of government property. However, the nationwide riots, which broke out in nearly every major city in the country, were predominantly state offenses. At least 14,000 people were arrested in 49 cities. At least 25 people died in violence related to the riots. Property Claim Services, a company that tracks insurance claims relating to riots and civil disorders, estimated that the insurance losses from the summer's civil unrest "far outstrip" all previous records to possibly exceed \$2 billion.³

It has been a relatively frequent sight at the summer's violent events to see individuals acting in coordination, in all "black bloc," holding the "A" symbol of Antifa. An admitted Antifa adherent in Portland murdered a conservative protestor. Antifa supporters have been charged federally for promoting riots and using Molotov cocktails.⁴ While that violence has slackened after President Biden's electoral victory was declared, it has far from abated. Antifa rioters attacked the Oregon Democratic Party headquarters on Inauguration Day itself. The far left of this country continues to believe violence will get more attention for their cause, even after a Democratic win in the White House.

Much of the violence of the summer was specifically investigated by the FBI as domestic terrorism. FBI Director Chris Wray provides statistics on domestic terrorism in his annual Threats testimony. He has previously testified that 900-1,000 domestic terrorism investigations exist at any given time. (There are also about 1,000 "homegrown violent extremism" investigations, in which an entirely U.S.-based person, without direct contact with a foreign terrorist organization, is motivated by the global jihadist movement—and thousands more international terrorism investigations.) Former U.S. Attorney Erin Nealy Cox testified in a subcommittee hearing that over 300 domestic terrorism cases were opened due to the violence this summer. This is a significant increase in the ordinary amount of domestic terrorism in the country.

That this violence occurred, the facts and the figures that surround it, I hope are not news to you. However, I must admit that I have been extremely surprised by the responses of Democratic politicians to this violence. For weeks and months the most consistent response seemed to be to deny the violence was occurring at all. Chairman Jerrold Nadler of the House Judiciary Committee denied that Antifa itself was real. In a nationally televised debate with then-President Trump, then-candidate Joe Biden wrongly stated that Antifa is only an "idea." This is after FBI Director Wray

² *Over 300 People Facing Federal Charges For Crimes Committed During Nationwide Demonstrations*, DOJ Press Release, Sept. 24, 2020, <https://www.justice.gov/opa/pr/over-300-people-facing-federal-charges-crimes-committed-during-nationwide-demonstrations>.

³ Jennifer A. Kingston, *\$1 billion-plus riot damage is most expensive in insurance history*, Axios, Sept. 1, 2020, <https://www.axios.com/riots-cost-property-damage-276e9bcc-a455-4067-b06a-66f9db4cea9c.html?stream=top>.

⁴ Will Cleveland, *Citing Facebook posts, Rochester resident faces federal riot charge*, Rochester Dem. & Chron., Sept. 25, 2020, <https://www.democratandchronicle.com/story/news/2020/09/25/ryan-howe-rylea-autumn-daniel-prude-rochester-ny-federal-riot-charges-antifa/3538856001/>; *Worcester Man Charged with Civil Disorder and Possession of a Destructive Device*, DOJ Press Release, Jun. 3, 2020, <https://www.justice.gov/usao-ma/pr/worcester-man-charged-civil-disorder-and-possession-destructive-device>.

had already testified to Congress that Antifa was absolutely “a real thing” and that the FBI had cases and investigations against those calling themselves “Antifa.” It seems that some Democrats are living in a very different world than those who have seen businesses boarded up, if not burned out, images of violence in the streets, and terrifying attacks on police officers.

When the violence was acknowledged, it seems to have been condoned, rather than condemned. Now Vice President Kamala Harris previously said “They’re not going to stop, and everyone, beware. [...] And they should not, and we should not.” She did not disclaim the rioting and unrest and direct her followers only to lawful action. Congresswoman Ayanna Pressley stated “there needs to be unrest in the streets for as long as there is unrest in our lives.” Speaker of the House Nancy Pelosi famously equivocated on the widespread property damage that “people will do what they do.”

That indifference to the violence that our constituents were enduring was dramatically shattered when a violent riot came to the Capitol itself. After that event, many members of Congress asked why a more militarized force had not protected them from a group of then-President Trump’s supporters who turned violent. Police officers were again considered heroes and protectors. The presence of National Guard members was welcome rather than decried. Many of the people of this country would like to have such resources available to them to ensure their safety.

Since the day of the attack on the Capitol, I have heard much of a renewed focus among my Democratic colleagues on combatting domestic terrorism and political violence. This is very welcome, and I hope we will be able to work together to keep Americans safe. However, any work that we do in this area must be focused on preventing violence, no matter what ideology is given to justify it. In fact, a recent DHS bulletin noted the breadth of potential threats we may be facing after the Capitol riot, including domestic violent extremists “motivated by a range of issues, including anger over COVID-19 restrictions, the 2020 election results, and police use of force” as well as “racial and ethnic tension,” and homegrown violent extremists “inspired by foreign terrorist groups.” The response that I have seen to the Capitol riot here in Congress has not given me hope that we are in agreement about combatting this broad range of threats.

I have seen that many Democratic members of Congress seem to be discussing the need to combat “white supremacy” with reference to the Capitol riot. I hope to learn more from law enforcement over the coming weeks and months about what the involvement of white supremacists, or any other extremists, was in this attack. However, I am concerned the use of the term may have a different purpose: to try to portray any supporters of former President Trump, who garnered over 74 million votes in the most recent election, as white supremacists. Congresswoman Cori Bush stated on the House floor that former President Trump was a “white supremacist president who incited a white supremacist insurrection.” I hope you will agree with me such rhetorical and inaccurate characterizations are dangerous.

More concerning seems to be the idea that violence committed by the far left, or for left-leaning ideologies, is in some way tolerable because of the left’s assessment that the purpose is noble. However, right-leaning thought, whether accompanied by violence or not, is considered terroristic. Former CIA Director John Brennan, whose credibility has been questioned, praised incoming President Biden’s inaugural reference to defeating “white supremacy,” and likened libertarians to “religious extremists, authoritarians, fascists, bigots, racists, nativists.” It is hard to see how libertarianism, a mainstream conservative political ideology which is scarcely in any way associated

with violence, is related to the other terms in Mr. Brennan's list. Unless of course, he is simply referring to religious Americans as "religious extremists," those who believe in rule of law rather than Antifa rioting as "authoritarians" and "fascists," and those who believe in having a functioning immigration system as "bigots," "racists," and "nativists." In short, these are all terms that are applied regularly, and unfairly, to conservative Americans using peaceable means to argue for their ideas: religious freedom, law and order, and secure borders. Congresswoman Jackie Speier was even more direct in a tweet, suggesting that all Republicans be labeled terrorists.

If you agree with me that we should condemn and combat all forms of political violence, I hope you will use your position as a leader in the Democratic caucus to encourage others to do the same. I hope you will tell members of the Democratic caucus that there is no room—none at all—for the excuses that are given to dismiss, deemphasize, and delay consideration of the serious threat of leftwing extremism. Together, I believe there is much we can accomplish in this area. But we will accomplish little so long as Republicans are willing to combat all forms of domestic terrorism, and Democrats only the violence of the "far right." For one thing, it's very difficult to write any kind of law that will only apply to the right, not that Democrats haven't tried. Even the idea of trying to craft laws that are specifically written not to include leftwing extremism is entirely bizarre, and emblematic of the problem we will face. No one can proceed on the topic of political violence and pretend the last year—save January 6—just didn't happen. No one can talk about "focusing our resources" as if there is some false choice to be made between whether we will protect Americans from one kind of extremism or another. We must do all of it. If we do not, we will have failed the future victims of domestic terrorism and the American people utterly.

I understand that as Chairman you may wish to convene hearings on domestic terrorism generally. I look forward to participating in any such hearings, and to learning from government and nongovernment experts in the area. I am sure you will share my commitment that the focus of our inquiries should be on all of the politically motivated violence we have seen in this country, not a subset. The men and women of this nation who have been affected by Antifa and other left-wing extremists are entitled to much more than a cursory acknowledgement of that fact. Likewise, I hope no part of any hearing will focus on demonizing the peaceful expression of ideas with which Democratic members disagree.

Sincerely,



Charles E. Grassley
Ranking Member, Senate Committee on the Judiciary