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**TESTIMONY ON 18-S 2696, A SENATE RESOLUTION
URGING LAW ENFORCEMENT OFFICIALS TO RECOGNIZE WHITE NATIONALIST AND
NEO-NAZI GROUPS AS TERRORIST ORGANIZATIONS
April 26, 2018**

This resolution urges “law enforcement officials to recognize white nationalist and neo-nazi groups as terrorist organizations.” While we recognize and appreciate the sentiments prompting this resolution, we are deeply concerned about its equation of “hateful agendas” by right wing groups with terrorism and the call for law enforcement to treat these groups as terrorist organizations.

The resolution notes that “free speech is a fundamental and precious value for almost all Americans,” but then goes on to suggest that white nationalist and neo-Nazi groups should be treated as terrorist organizations because of their speech. While these groups may indeed “promote agendas that are in irreconcilable conflict with our nation's foundational principles of liberty and justice for all,” it is precisely the freedom for the thought we hate that underlies the First Amendment.

Similarly, even if “[w]hite nationalism and neo-Nazism are continuing to grow as menaces to societal order that seek to reignite social animosities, reverse improvements in race relations, divide the nation, and foment hatred that leads to ethnic eradication,” that in and of itself simply should not serve as a basis for law enforcement to designate these groups as terrorist organizations, with all that that entails.

Unfortunately, in the course of this nation’s history, we have seen law enforcement agencies engage in questionable investigation of groups that they determined didn’t believe in the nation’s “foundational principles” or sought to “reignite social animosities” or “divide the nation.” It is concerns like those that prompted police infiltration of, and interference with, the Communist Party movement in the 1950s, various elements of the anti-war and civil rights movements in the 1960s, and more recently, spying on some Muslim organizations.

We therefore urge that the resolution be revised to avoid both equating hateful and divisive speech with terrorism and giving law enforcement a green light to investigate groups for their exercise of their First Amendment rights, however odious their views.