

# Congress of the United States

Washington, DC 20515

March 18, 2024

The Honorable Merrick Garland  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Christopher Wray  
Federal Bureau of Investigations  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

The Honorable Alejandro Mayorkas  
U.S. Department of Homeland Security  
307 7<sup>th</sup> Street, SW  
Washington, DC 20528

Dear Attorney General Garland, Director Wray, and Secretary Mayorkas:

We are writing in support of the full implementation of President Biden’s Executive Order (EO) 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.” This groundbreaking Executive Order establishes a National Law Enforcement Accountability Database and requires the Office of Personnel Management (OPM) to convene a working group to “develop best practices for conducting background investigations and implementing properly validated selection procedures, including vetting mechanisms and ongoing employment screening, that, consistent with the First Amendment and all applicable laws, help avoid the hiring and retention of law enforcement officers who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability.”<sup>1</sup>

In October 2023, OPM released the “Action Plan for Strengthening Office Recruitment, Hiring, Promotion and Retention,” in compliance with EO 14074.<sup>2</sup> This report reflects the recommendations of the convened working group regarding vetting applicants and existing law enforcement officers for white supremacist beliefs and adherence to white supremacist and violent ideologies, among other biases.

We welcome these initial steps to implement EO 14074, but note that data reflecting the full scope of police adherence to violence and white supremacist ideologies is still quite limited. Given the lack of comprehensive data on this issue, we urge you to act swiftly to measure and combat white supremacy in law enforcement by taking the following steps:

## **Fully Implement EO 14074**

The Department of Justice (DOJ) must act expeditiously to fully implement EO 14074 among federal law enforcement, including by screening all candidates for federal law enforcement employment and current staff for promoting white supremacy and other prohibited forms of bias. We urge you to consider the recommendations included in OPM's action plan as you swiftly formalize internal procedures to prevent the onboarding and promotion of officers that have promoted white supremacy, bias-based violence, or engaged in other forms of racist misconduct. In the process of implementing EO 14074, the DOJ should establish policies which provide for screening the suitability of applicants and existing personnel, consistent with the First

<sup>1</sup><https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/>

<sup>2</sup> <https://www.opm.gov/policy-data-oversight/hiring-information/reports/action-plan-for-strengthening-officer-recruitment-hiring-promotion-and-retention.pdf>

Amendment, bearing in mind that OPM has established that “suitability determinations require consideration of how an individual’s character and conduct may impact or effect the integrity and efficiency of the service, considering any nexus between conduct and the nature of the position.”<sup>3</sup>

We also encourage the Federal Bureau of Investigations (FBI) to fully develop and implement the Accountability Database requirement in Section 5 of EO 14074, to track members of federal law enforcement with a history of misconduct related to white supremacist and violent ideologies.<sup>4</sup> The full and robust implementation of this database must include using the information not only in hiring, retention, and promotion decisions, but also in the development of a Brady List to prevent white supremacist officers from further tainting the justice system with unreliable witness testimony. We applaud the Department of Justice’s December 2023 announcement of the launch of this new database, and the Bureau of Justice Statistics’s plan to report on the data gleaned from this new system.<sup>5</sup>

### **Provide Guidance to State and Local Law Enforcement Organizations**

Furthermore, we ask that the DOJ issue guidance to state and local law enforcement agencies so that they too have the expertise to detect and address white supremacist and violent extremist activity, and to use the full weight of the DOJ’s grant-making authority to incentivize the adoption of robust state and local law enforcement agency policies to prohibit the recruitment, retention, and promotion of law enforcement officers with membership in, or involvement with white supremacist or far-right militant groups.

The development and implementation of a database to track law enforcement who adhere to white supremacist ideologies at the federal level as stipulated in EO 14074 is a critical step towards ridding our justice system of these officers. However, implementation would be incomplete without fulsome support of efforts to maintain information about white supremacist and violent members of state and local law enforcement agencies. To that end, we encourage the DOJ to expand its grant support for databases which include those officers. Further, we encourage federal law enforcement to use those databases when considering applicants from state and local agencies.

### **Assess the Scale and Impact of White Supremacy within Federal Law Enforcement**

We are appreciative of the work that the FBI has done to combat extremist activities within its ranks. As far back as 2006, the Bureau recognized “white supremacist infiltration” in law enforcement.<sup>6</sup> In 2015, the Bureau acknowledged that “domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers.”<sup>7</sup> However, we are disappointed that in 2020, the FBI disavowed their findings without any public justification and refused to testify on the topic before the Committee on Oversight.<sup>8</sup>

In the years since these investigations, the threat of white supremacy and extremist violence has only grown. While the Bureau has since disavowed these internal reports, additional reporting after the January 6<sup>th</sup> attack on

<sup>3</sup><https://www.opm.gov/policy-data-oversight/hiring-information/reports/action-plan-for-strengthening-officer-recruitment-hiring-promotion-and-retention.pdf>

<sup>4</sup> <https://www.govinfo.gov/content/pkg/DCPD-202200454/pdf/DCPD-202200454.pdf> pg. 5

<sup>5</sup> <https://www.justice.gov/opa/pr/justice-department-launches-national-law-enforcement-accountability-database>

<sup>6</sup> <https://nsarchive.gwu.edu/document/24350-fbi-warned-white-supremacists-law-enforcement-15-years-ago-fbi-counterterrorism>

<sup>7</sup> <https://www.brennancenter.org/our-work/analysis-opinion/white-supremacist-links-law-enforcement-are-urgent-concern>

<sup>8</sup> <https://oversightdemocrats.house.gov/news/press-releases/subcommittee-chairman-raskin-releases-fbi-document-on-white-supremacists-in-law>

the U.S. Capitol confirmed the lengths to which white supremacists and members of racial hate groups will go to join law enforcement organizations.<sup>9</sup> While data is limited, a 2021 study by the Center for Strategic and International Studies found that “the percentage of all domestic terrorist incidents linked to active-duty and reserve personnel rose in 2020 to 6.4 percent, up from 1.5 percent in 2019 and none in 2018.”<sup>10</sup>

Beyond the raw data, the impact of white supremacist activity among police forces has a profound effect of eroding public trust. As the Anti-Defamation League notes in a 2021 report, “[e]xtremists within the ranks can have a dangerous and outsized impact on policing in our communities. By associating with extremist movements or publicly expressing support for these ideologies, members of law enforcement are behaving in a way that directly contradicts their oaths to serve and protect our communities and undermines community safety. Some of these extremist beliefs, notably white supremacist ideologies, place vulnerable populations, including Black people and other people of color, as well as immigrant populations, at greater risk of harm.”<sup>11</sup>

Towards the goals of assessing and eliminating the threat of white supremacy in policing, we ask that you update Congress on your agencies’ assessment of the scale of white supremacist infiltration into law enforcement, and promptly respond to the following questions:

- What steps have the DOJ and the FBI taken to assess the scale of white supremacy and membership in violent extremist organizations in federal law enforcement?
- What steps are the DOJ and the FBI taking to rout out members of violent extremist organizations and white supremacists from federal law enforcement?
- What steps are the DOJ and the FBI taking to ensure the protection of whistleblowers who report evidence of white supremacy and violent extremist activity among federal law enforcement?
- What support or guidance does the DOJ need from Congress to rout out members of violent extremist organization and white supremacists from federal law enforcement?


Thank you for your dedication and collaboration in the fight against hate and extremist activity among law enforcement officers. We look forward to collaborating with you to ensure that white supremacy and extremist violence have no home on police forces.

Sincerely,




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Sean Casten  
Member of Congress



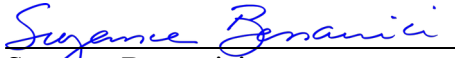

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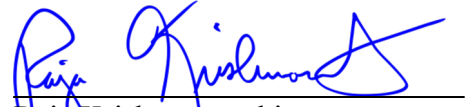
Jamie Raskin  
Member of Congress

<sup>9</sup> <https://abcnews.go.com/US/white-supremacists-seek-affiliation-law-enforcement-goals-internal/story?id=76309051>

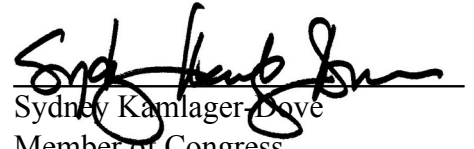
<sup>10</sup> <https://www.csis.org/analysis/military-police-and-rise-terrorism-united-states>

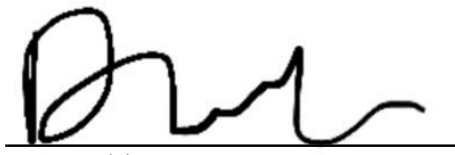
<sup>11</sup> <https://www.adl.org/resources/report/extremism-american-law-enforcement-far-greater-transparency-accountability-needed>

  
Suzanne Bonamici  
Member of Congress

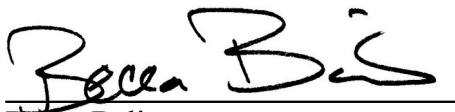
  
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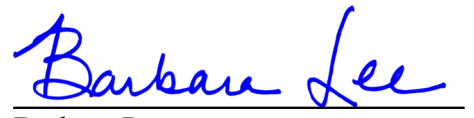
  
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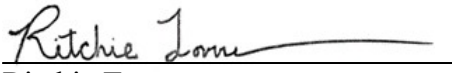
  
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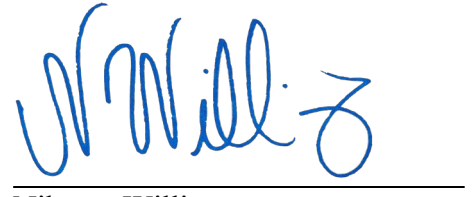
  
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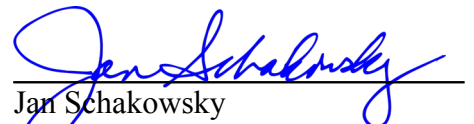
  
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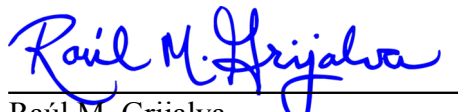
  
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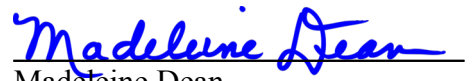
  
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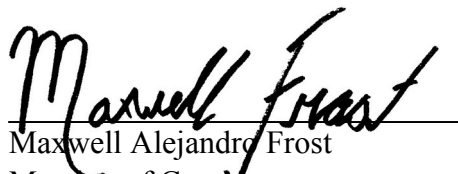
  
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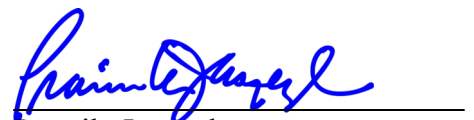
  
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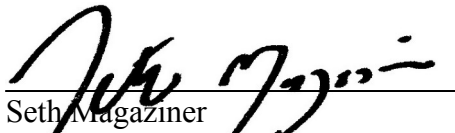
  
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