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September 20, 2009

Attorney General Eric Holder
Department of Justice
1201 Pennsylvania Ave., NW
Washington, DC 20004

Re: Domestic Terrorism and Right Wing Extremism

Dear Attorney General Holder:

We are a network of more than 150 groups representing over a million members writing to express grave concern about the recent domestic terrorism against Americans, both threatened and actual, and to request that the Department of Justice enforce laws against those who engage in hateful, intolerant violence designed to intimidate others based on their religion, race, ethnicity, or involvement in women's reproductive rights. The evidence shows that when anti-terrorism laws are enforced, acts of terrorism greatly diminish.

We thank you for ordering the Department of Justice to fully investigate the violation of federal laws in connection with the assassination of Dr. George Tiller.ⁱEndnotesⁱⁱ We are especially pleased with your intention to include an examination of "any and all actors" involved in this act of domestic terrorism—and we have specific suggestions regarding this wider net.ⁱⁱⁱ Yet we note that this is only one small step in what must be a much larger inter-agency effort to combat the proliferation of violence designed to terrorize targeted Americans. The need for such efforts, and the dangerous effect of speech advocating violence, was anticipated by the Department of Homeland Security's 2009 report on rightwing extremism, which assessed "a resurgence in right wing extremist recruitment and radicalization activity," specifically noting that "'accusatory' tactics are employed to draw new recruits into right wing extremist groups and further radicalize those already subscribing to extremist beliefs." This report also states that the right-wing's exploitation of social issues such as abortion, inter-racial crimes, and same-sex marriage has historically contributed to "an increase in violent acts."

In light of the recent wave of domestic terror, including Scott Roeder's murder of Dr. Tiller, James von Brunn's attack at the national Holocaust Museum, and the recent murder of a nine-year old Hispanic girl and her father by Minutemen in Arizona, we also ask the DOJ to examine its own record of enforcement against such federal crimes, and

report its findings. Vicki Saporta, President of the National Abortion Federation, has stated, “In places where the laws are enforced, you don’t see violence escalate.” <http://tinyurl.com/pwjh4b>. Given Scott Roeder’s recent jailhouse boast, “*I know there are many other similar events planned around the country,*” we ask you to ensure that the DOJ seriously investigates and prosecutes acts of terrorism when they arise.

To these ends, we make these specific requests:

- That the DOJ collaborate with the Federal Communications Commission (FCC) and the National Telecommunications and Information Administration (NTIA) to study the extent and impact of provocative hate speech over media and telecommunications, and its correlation to hate crimes. Specifically, we support the National Hispanic Media Coalition’s petition for inquiry on intolerant speech, filed with the FCC on January 28, 2009, and its letter to the NTIA on the same day, asking it to update its 1993 report, *The Role of Telecommunications in Hate Crimes*. Copies of those letters are attached hereto as Exhibits A and B.
- That the DOJ investigate, or support the FCC and/or NTIA’s investigation into the relationship between groups willing to support or use violence and sympathizers in the media, including broadcast and cable television, radio, internet and texting services. Nobel-winning journalist Paul Krugman recently wrote in the *New York Times* that, “... right wing extremism is being systematically fed by the conservative media and political establishment.” We want DOJ to investigate whether the provocation is literally systematic and intentional. We ask you to use your discovery power to search for evidence of coordination between these extremist organizations and media organizations or their reporters, who might share the goal of inciting violence against certain groups of citizens.
- That the DOJ assess, or support the FCC and/or NTIA’s assessment of whether media organizations are misusing their FCC charters by advocating and inciting violence, including hate crimes, and whether websites are violating their service agreements, many of which prohibit the use of websites to commit illegal activity.

We draw your attention to the recent state arrest of radio host and blogger Hal Turner, who was taken into custody for incitement to violence. The police stated, “Mr. Turner's comments are above and beyond the threshold of free speech,” and, “He is inciting others through his website to commit acts of violence.” See <http://tinyurl.com/ofe8mp>. Federal authorities also arrested him in June for urging the killing of federal judges in Chicago. Others, however, go untouched: For example, the web site www.armyofgod.com/POClist.html includes the advice: “[Do] not tell ANYONE; before, during or after, if you are planning on taking [illegal and violent] action. Your family, pro-lifers and your church 'friends' will sell you out in a heartbeat...” Recent websites and organizations, heeding the call of FOX Talk Show host Glenn Beck “Are you in or out,” are advocating “armed revolution” against Obama supporters, including one which lays out a timeline for

the killing: “within the first days of an armed revolt, numerous politicians, Obama hacks, federal judges, and media members would be killed ... Obama supporters would be summarily executed in their homes and on the streets [and within six years “50-70 million”] are dead.” Exhibit C.
<http://markepstein.wordpress.com/2009/08/29/armed-revolution-are-you-in-or-out/>

- That the DOJ investigate the finances of right wing extremist organizations such as Operation Rescue to determine if they have raised or used funds to support criminal activity. We request that you look for any activity that would constitute a misuse of any non-profit organization’s tax-exempt status to engage in violent activity. Note that Operation Rescue solicits donations on its website which, until recently, had an entire section on its website dedicated to “Tiller the baby killer,” which urged people to “use every Biblical means to ‘rescue the baby sentenced to die today.’ ” Although that section was removed from its website after Dr. Tiller’s murder, we have attached it as Exhibit D.
- That the DOJ consider possible violations of the federal racketeering statute (RICO), 18 U.S.C. sections 1961-1968, by individuals or organizations intent on depriving women and others of their rights through a coordinated pattern of intimidation, threat and violence.
- That the DOJ conduct a review of the federal government’s own role—or lack thereof—in the rise of domestic terrorism against abortion providers and others. Dr. Tiller’s assassination is just one of several killings carried out against women’s health care doctors and support personnel. These fatal attacks include victims Dr. David Gunn (1993), Dr. John Britton and clinic escort James Barrett (1994,) clinic receptionists Lee Ann Nichols and Shannon Lowney (1994), security guard Robert Sanderson (1998), and Dr. Barnett Slepian (1998). Dr. Tiller himself was shot and wounded in 1993. In addition, numerous other victims have been wounded, sometimes critically, by shootings and bombings.^{iv}

According to a new report from the Southern Policy Law Center called “Return of the Militias,” right wing violence was almost eliminated in the early 1990’s for various reasons, “including the arrests of many militia backers in terrorist plots, [and the] the jailing of hundreds of others on weapons violations....” That report warns that the lack of enforcement since then has helped lead to an alarming uptick in extremists activity fomented by irresponsible media and even politicians spreading false propaganda about mythical threats. “But this is the most significant growth we’ve seen in 10 to 12 years. All it’s lacking is a spark.”

<http://www.splcenter.org/news/item.jsp?pid=414>

- That the DOJ conduct a review of the control and ownership of political talk radio to determine if the lack of diversity, minority ownership and public interest requirements violate federal antitrust laws. See “The Structural Imbalance Of

Political Talk Radio,” attached as Exhibit E. If your review finds such violations, we ask that your office initiate antitrust cases against those identified.

In conclusion, we ask you to use the full weight of the federal statutes to protect the rights of all, including the right of women to access health care. A democratic society can only exist under the rule of law--and only when those laws designed to protect its people are enforced. We look forward to your response.

Sincerely,

Kevin Zeese
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ⁱ ENDNOTES

ⁱⁱ Although your announcement specifies the intention to investigate violations of the Freedom of Access to Clinic Entrances Act (“FACE”), it is important to note that many past violations of FACE seem not to have been investigated or acted upon in a timely manner by federal authorities. For example: Dr. Tiller’s accused killer, Scott Roeder, was observed several times committing crimes proscribed by FACE—as recently as the day before Dr. Tiller’s murder. Yet, despite being reported to the authorities, Roeder was not arrested by the FBI. That final lapse is only more inexplicable considering Roeder’s previous alleged violations of FACE. <http://tinyurl.com/nwsujm>. Accordingly, in light of Scott Roeder’s reported previous violations of FACE, we request that you consider prosecuting him under FACE, and under domestic terrorism statutes.

ⁱⁱⁱ We wish to make you aware of Mr. Frank Schaeffer, a former insider of the anti-choice movement who had for years organized with its leaders, including Randall Terry, founder of Operation Rescue. Mr. Schaeffer renounced the movement’s agenda after he became aware of its support for violent action, and has gone public about violence against women’s health care providers and facilities. He is a signatory to this letter.

Frank Schaeffer has stated that a book by his father, Francis Schaeffer, “advocated force if all other methods for rolling back the abortion ruling of Roe v. Wade failed.” See *A Christian Manifesto*. Mr. Schaeffer blames himself and this movement for the violence against women’s health care providers, and has apologized for his actions. He stated, “There was a lot of talk [in the anti-choice movement] about vandalizing property, firebombing...When it came to the actual issue of killing, people were making both prescriptive and descriptive discussions of the issue, saying, ‘Well, someday someone will do this, one of us will do this...’” Mr. Schaeffer admits that he and others “knew who was gluing doors shut, we knew who was vandalizing property, we knew of people who had thrown firebombs...” He also said the movement, “definitely had a fringe that

was committed to violence,” and that individuals in these groups can identify those who have committed or plan to commit violent acts.

Mr. Schaeffer is eager to meet with your staff and the FBI in order to advance your investigation of domestic terrorism. We hope you will take up his offer. He will provide insider knowledge that will help your investigation regarding organizations that may have condoned, aided or participated in illegal activity against the legitimate rights of women—or against the rights of any citizen, for any reason. A separate letter from him is attached as Exhibit F.

^{iv} This history of anti-choice violence suggests a long-term, coordinated operation to terrorize and kill Americans on American soil. Rachel Maddow, a news commentator for MSNBC, recently provided the following stark assessment of the reality of domestic terrorism, which virtually unchecked, is now resurging:

“There’s an anti-abortion terrorist movement in the United States that operates relatively openly. They advocate and their members commit acts of violence including murder against Americans who are not breaking the law, who are engaged in protected legal activity on American soil. These acts of violence are politically motivated; they are designed to change American policies and to terrorize Americans...This terrorism is working; violence as a political strategy is working to make abortion so unsafe for doctors that they are unwilling to bear the risks of performing it, so women can’t actually get one regardless of whether or not it’s legal.” <http://www.youtube.com/watch?v=wBIGtpheuIE>

⁵ Executive Order 13224 authorized by President Bush on September 23, 2001 defines terrorism as follows:

- (d) the term "terrorism" means an activity that --
 - (i) involves a violent act or an act dangerous to human life, property, or infrastructure; and
 - (ii) appears to be intended --
 - (A) to intimidate or coerce a civilian population;
 - (B) to influence the policy of a government by intimidation or coercion; or
 - (C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.