

FBI DISCLAIMS MATERIAL SUPPORT FOR TERRORISM PROSECUTIONS — FOR WHITE PEOPLE

Tara McElvey wrote a piece for the Beeb coming close to espousing a very (dangerous, IMO) British view: that the FBI should criminalize white supremacists' speech the way they have Islamic terrorists'.

[Frazier Glenn Miller's] writings are a reminder of the virulence in white supremacist views. Earlier this month a married couple, Jerad and Amanda Miller (no relation to Frazier Glenn), shot and killed three people in Nevada.

The couple was steeped in white-supremacist ideology and spoke openly about their views. Police said they placed a swastika on the body of one of the victims.

Some wonder whether authorities were too easy on Frazier Glenn Miller before the killings – and are too soft on the white supremacists in the US.

The piece is most interesting for the quotes from FBI's spokesperson, which falsely suggests it doesn't target groups as groups.

Paul Bresson, a spokesman for the FBI, said: "We don't target groups for who they are. If you want to be a white supremacist – legally there's nothing wrong with that.

"What we're concerned about is breaking the law."

[snip]

As Bresson said: "There's nothing illegal about being weird."

Anti-Semitism and extremist ideology seem to play a role in the violence, but Bresson and other officials say that knowing when a white supremacist – or anyone – will explode is beyond their purview.

This is, of course, bullshit. For groups named as Foreign Terrorist Organizations, the FBI does target groups for who they are, under well-worn material support laws. But even without membership in an FTO, the FBI routinely sets up stings to catch young men to precipitate their "explosion" (invariably using inert bombs).

To be fair, the FBI also set up a bunch of old white men in the Waffle House plot, in part because they had an informant affirmatively trying to work off his sex crime charges by setting up fellow anti-government activists.

But the FBI's approach to both groups deserves reconsideration. If the FBI believes it's not in the job of precipitating personal explosions, it should stop doing so, and instead investigate actual crimes (as Bresson says they do).

In the case of Miller, McElvey misses a key detail. The FBI did not have just his speech. They had – and DOJ had already used – his open support for the MLK bomber, Kevin Harpham, as evidence of criminality. Miller already supported the use of violence against African Americans.

The difference, of course, is that FBI also called that a "hate crime," not terrorism. And as a result, treated Miller's support for terrorism as a First Amendment issue rather than a crime issue.