

Chapter 4 - Domestic Terrorism and Political Violence

Domestic terrorism is defined in U.S. Code at 18 U.S.C. § 2331(5) as involving acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; Appearing to be intended to: Intimidate or coerce a civilian population; Influence the policy of government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination or kidnapping; and occurring primarily within the territorial jurisdiction of the United States.¹⁰³ In the United States, there is no criminal statute for domestic terrorism. It is only, officially, a definition.

4.1 A History of Violence

From 2009 through 2018, the far-right has been responsible for 73 percent of domestic extremist-related fatalities, according to the Anti-Defamation League.¹⁰⁴ More people were murdered by far-right extremists in the U.S. in 2019 than in any other year since the Oklahoma City bombing in 1995.¹⁰⁵ The Global Terrorism Index 2019 notes that between 2013 and 2018, “the total number of far-right incidents has risen 320 percent.”¹⁰⁶ According to the Index, the number of far-right terrorist incidents reached a

¹⁰³ “Strategic Intelligence Assessment and Data on Domestic Terrorism, May 2021” Federal Bureau of Investigation Department of Homeland Security accessed April 29, 2022, <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report.pdf/view>.

¹⁰⁴ “Right-Wing Extremism Linked to Every 2018 Extremist Murder in the U.S., ADL Finds,” Murder and Extremism, Anti-Defamation League, accessed March 29, 2022, <https://www.adl.org/murder-and-extremism-2018>.

¹⁰⁵ Vera Bergengruen and W.J. Hennigan, *The Terror Within*, *Time Magazine*, August 19, 2019, pages 20-27.

¹⁰⁶ Institute for Economics & Peace, “Global Terrorism Index 2019: Measuring the Impact of Terrorism,” Sydney, November 2019, p. 46, <<http://visionofhumanity.org/app/uploads/2019/11/GTI-2019web.pdf>>.

fifty-year apex of fifty-six attacks in the West in 2017, compared with only 6.5 attacks each year on average between 1995, the year of the Oklahoma City bombing, and 2010.¹⁰⁷ Since 2015, 267 plots or attacks have involved right-wing extremists, with 91 fatalities. Far-left views attacks and plots accounted for 66 incidents leading to 19 deaths.¹⁰⁸ A 2017 study showed that Twitter users who self-identify as white nationalists or neo-Nazis had grown 600 percent since 2012.¹⁰⁹ According to the ADL, right-wing extremists killed more people in 2018 than in any year since the Oklahoma City bombing in 1995.¹¹⁰ A report released in April 2021 by the Center for Strategic and International Studies found that right-wing violence soared to new highs, that more than a quarter of right-wing incidents and just under half of the deaths in those incidents were caused by people who showed support for white supremacy or claimed to belong to groups espousing that ideology.¹¹¹

In July 2019, FBI Director Christopher Wray told Congress that most of the bureau's domestic terrorism investigations since October 2018 were linked to white supremacy. Yet just 20 percent of the bureau's counterterrorism field agents focus on domestic probes.¹¹² Officials say that preventing white supremacists and white nationalist attacks would require the same broad and aggressive approach to battle international

¹⁰⁷ Ibid.

¹⁰⁸ Robert O'Harrow Jr., Andrew Ba Tran, and Derek Hawkins, "Domestic Terrorism data show right wing violence on the rise," *The Washington Post*, April 12, 2021.

¹⁰⁹ Ibid.

¹¹⁰ "Right-Wing Extremism Linked to Every 2018 Extremist Murder in the U.S., ADL Finds," Murder and Extremism, Anti-Defamation League, accessed March 29, 2022, <https://www.adl.org/murder-and-extremism-2018>.

¹¹¹ Robert O'Harrow Jr., Andrew Ba Tran, and Derek Hawkins, "Domestic Terrorism data show right-wing violence on the rise," *The Washington Post*, April 12, 2021.

¹¹² Ibid.

terrorism.¹¹³ Former deputy attorney general Rod Rosenstein said, “We need to catch them and incarcerate them before they act on their plans, and we can accomplish that by monitoring terrorist propaganda and communications.”

Right-wing terrorism is a global problem, but it is made far worse in the United States because of guaranteed freedom of speech protections and a readily available supply of guns. Gun violence typically negatively impacts individuals with one or more marginalized identities.¹¹⁴ Mass shootings are most often committed by those whose identities are in the majority, statistically, straight white Christian men.¹¹⁵ This data contradicts the findings of a 2014 study, *Ethnic Groups, Political Exclusion and Domestic Terrorism*, that found political marginalization of a minority ethnic group a significant predictor of domestic terrorism activity.¹¹⁶ History suggests the perception of marginalization is sufficient to incite white supremacist domestic terrorism activity and is consistent with the narrative of militias, Christian Identity groups, and neo-Nazi paramilitaries since the emergence of the KKK in 1865. Primary offenders of domestic terrorism in the United States uniquely fall into these categories and represent a disproportionately large number of extremist violence events compared to past years across the ideology spectrum. Their views agree broadly with conservative politicians' anti-globalist, anti-immigrant, pro-life, and anti-government policies.

¹¹³ Sabrina Tavernise, et al., “The Threat from Within,” *New York Times* September 16, 2016.

¹¹⁴ Annamarie Forestiere, “Ignoring the Intersectionality of Gun Violence,” *Harvard Civil Rights and Civil Liberties Law Review*, November 26, 2019. <https://harvardcrcl.org/ignoring-the-intersectionality-of-gun-violence/>

¹¹⁵ Ibid.

¹¹⁶ Seung-Whan Choi and James A. Piazza, “Ethnic groups, political exclusion and domestic terrorism,” *Defense and Peace Economics*, 27:1 (2016) 37-63.

Upon its founding in 1865, the KKK declared its primary objective to be the “maintenance of the supremacy of the White Race in this Republic,”¹¹⁷ this population morphed over time, forming offshoot groups like The Minutemen during the 1960s, Posse Comitatus from the mid-1970s and the Order of Secret Brotherhood in the early 1980s.¹¹⁸ During this period, the adaptation of patriot and far-right rhetoric within the Republican Party was publicly mainstreamed.¹¹⁹

Political leaders’ reliance on their electoral constituency is undeniable, with clear support expressed by the far-right groups themselves. In 2016, the Chairman of the American Nazi Party, Rocky Suhayda, said: “Donald Trump’s statements, if nothing else, have SHOWN that ‘our views’ are NOT so ‘unpopular’ as the Political Correctness crowd have told everyone they are!”¹²⁰ David Duke, former Ku Klux Klan leader, said, “voting against Donald Trump at this point is really treason to your heritage.”¹²¹ From George Wallace and David Duke to Strom Thurmond, Republican politicians of decades past helped patriotism become an electoral strategy in American populist politics. For decades, racial extremists -members of organized hate groups and others ideologically attached to the tenants of white supremacy – had lived in the shadows. After Trump’s election, racial extremists stepped into the light.¹²²

¹¹⁷ M. Kronenwetter, *United They Hate: White Supremacist Groups in America* (New York: Walker & Company, 1992), 133.

¹¹⁸ Stephen Vertigans, “Beyond the Fringe? Radicalization within the American Far-Right,” *Totalitarian Movements and Political Religions*, no. 8 (2007): 641-659.

¹¹⁹ *Ibid.*, 643.

¹²⁰ Peter Holley, “Top Nazi leader: Trump will be a ‘real opportunity’ for white nationalists,” *The Washington Post*, August 7, 2016.

¹²¹ *Ibid.*

¹²² Jeannine Bell, “The Resistance & the Stubborn but Unsurprising Persistence of Hate and Extremism in the United States,” *Indiana Journal of Global Legal Studies* 26, no.1 (2019) 305-316.

Today, those professing shared far-right worldview once viewed as fringe candidates have become far more vocal and transparent with their extreme beliefs and alliances with extremist groups (like Q-anon, The American Nazi Party, and Rocky Mountain Knights). The 2018, 2020, and 2022 election cycles have revealed increasing numbers of these extreme candidates: “I’ve said we need to build more gallows. If we try some of these high-level criminals, convict them and use a newly built set of gallows, it’ll make an example of these traitors who have betrayed our country,” Sen. Wendy Rogers, R-Flagstaff, said on February 25, 2022, in her speech to the white nationalist America First Political Action Conference in Florida. Rogers told the white nationalists assembled in the Orlando World Center Marriott ballroom that they were “patriots.”¹²³ By labeling themselves as the true voice of the people, these populists stake a claim to a perceived legitimacy in dispensing with constraints imposed on majoritarian decision-making in functioning liberal democracies.¹²⁴ Their language, once implicitly flirting with white supremacy, has become explicit.

Right-wing domestic terrorism has been piloted by the white power movement from its resurrection after the Vietnam War through the Oklahoma City bombing, the Trump presidency, and now the January 6th insurrection. These formerly fragmented groups brought people together and connected them, men and women, civilians and veterans, and active-duty troops.

¹²³ Jim Small, “Wendy Rogers said white nationalists are 'patriots' and called for hanging political enemies,” *AZ Mirror*, February 26, 2020, <https://www.azmirror.com/2022/02/26/wendy-rogers-racist-white-nationalists-patriots-and-called-for-hanging-political-enemies/>.

¹²⁴ Dalibor Rohac, Liz Kennedy, Vikram Singh, Drivers of Authoritarian Populism in the United States, Centers for American Progress, May 10, 2018, Accessed October 22, 2022, <https://www.americanprogress.org/article/drivers-authoritarian-populism-united-states/>

4.2 The Collision of the Internet, Free Speech, and Violence

Many tools have aided in expanding violent extremist groups' membership, the evolution and explosive growth of the internet and social media chief among them. Law enforcement officials say the cancer of white nationalism has metastasized across social media and the dark corners of the internet.¹²⁵ As the most popular social media platform in the United States,¹²⁶ Facebook was also the platform most used by extremists, according to the Profiles of Individual Radicalization in the United States (PIRUS) dataset. Nearly two-thirds of extremists (64.53 percent), regardless of ideological affiliation, used Facebook for radicalization or mobilization between 2005 and 2016.¹²⁷ This trend is not novel or limited to domestic extremists. Extremists of every stripe have used social media and the internet to recruit, radicalize, and mobilize their forces.

The means and methods for covert recruiting, connection, planning, and fundraising have never been more easily accessed or available. The rise of file-sharing sites and messaging platforms using end-to-end encryption has further hindered the intelligence community from effectively infiltrating extremist groups on a large scale. With the deepening political chasm, extremist groups' activity levels are increasing; they use non-traditional tactics and exploit remote decentralized structures and “leaderless” resistance to avoid prosecution.

¹²⁵ Vera Bergengruen and W.J. Hennigan, “The Terror Within,” *Time Magazine*, August 19, 2019, pages 20-27.

¹²⁶ Shannon Greenwood, Andrew Perrin, and Maeve Duggan, “Social Media Update 2016,” *Pew Research Center* November 11, 2016. <https://www.pewresearch.org/internet/2016/11/11/social-media-update-2016/>.

¹²⁷ Michael Jensen, et al., “The Use of Social Media by United States Extremists.” *START*, (2018) 5.

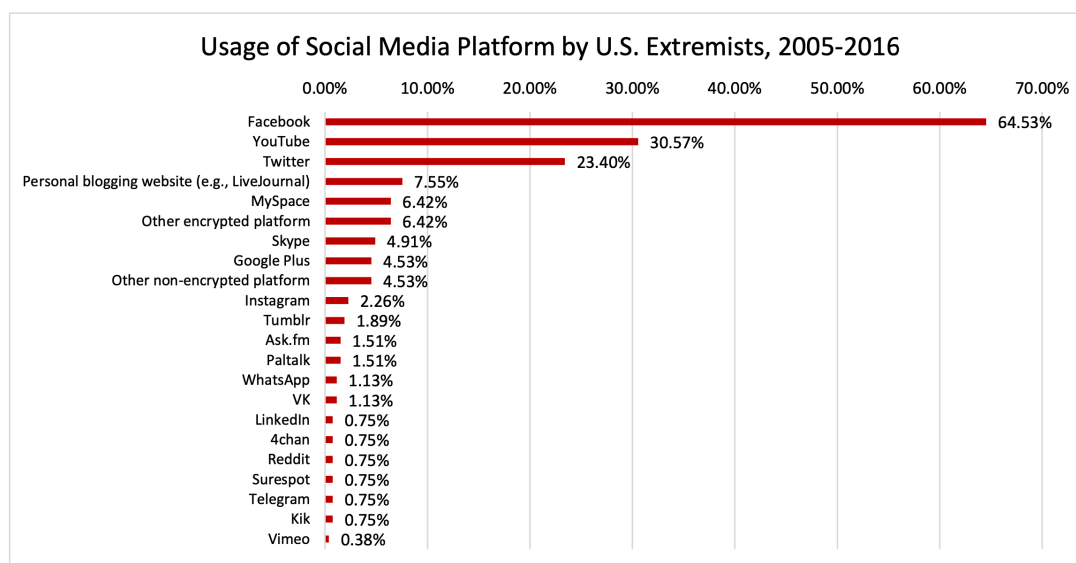


Figure 5 Usage of Social Media Platform by U.S. Extremists, “Social Media Update 2016,” Pew Research Center, November 11, 2016, <https://www.pewresearch.org/internet/2016/11/11/social-media-update-2016/>

Patrick Crusias, the El Paso shooter, allegedly posted a hate-filled manifesto to the message board 8chan before his attack - something the mass murderers in New Zealand and Poway, California, did as well.¹²⁸ An anonymous, meme-filled internet backwater, 8chan has long been a place for white supremacists to indoctrinate others - mostly young white men - into bigoted ideologies.¹²⁹ The Internet and social media are the top venues for radicalizing young, tech-savvy Americans who identify with a domestic extremist ideology and an older generation of supporters and sympathizers of violent domestic extremism.¹³⁰ In the post-9/11 environment of increased law

¹²⁸ Anthony Zurcher, “El Paso and Dayton: Does Trump’s five-point plan make sense?” *BBC News*, August 5, 2019, <https://www.bbc.com/news/world-us-canada-49227591>.

¹²⁹ April Glaser, “8chan Is a Normal Part of Mass Shootings Now,” *Slate*, August 4, 2019, <https://slate.com/technology/2019/08/el-paso-8chan-4chan-mass-shootings-manifesto.html>.

¹³⁰ Donald Van Duyn, “House Homeland Security Committee Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment,” September 20, 2006, <https://archives.fbi.gov/archives/news/testimony/islamic-radicalization>.

enforcement scrutiny and information sharing, they have migrated their radicalization, recruitment, and material support activities online.¹³¹ The consistent findings linking online radicalization and usage of social media to make threats of violence necessitate the development of practical tools compatible with the Constitution and in partnership with private media companies to identify and report threats of violence.

Generating, accessing, discussing, or otherwise interacting with ideological content related to conspiracy theories and extremist groups without engaging in violence or other criminal activity is legal and protected by the First Amendment. However, the First Amendment does not protect against committing a crime just because the conduct is rooted in philosophical beliefs.¹³² The polestar tradition of free speech has provided fertile soil for the growth of hateful ideologies to proliferate behind the veil of cyberspace; one of the primary hurdles the intelligence community and the online public face in approaching violent extremism of any kind is the ease with which people can self-radicalize, primarily due to the internet. No formal affiliation or membership is necessary. Symbols, ideology, and core texts can be quickly adopted, and more than enough information can be found to plan, procure, and execute mass destruction.

The radicalization to mobilization timeline of extremists has been dramatically reduced, resulting in an uptick in “lone wolf” operatives who self-radicalize via the internet and social media. In 2017, the non-governmental organization Global Internet

¹³¹ Ibid.

¹³² “Hate Crime Statistics,” Hate Crimes, United States Department of Justice, accessed May 2, 2022, <https://www.justice.gov/hatecrimes/learn-about-hate-crimes>

Forum to Counter Terrorism (GIFCT) was launched by Facebook, Microsoft, Twitter, and YouTube to prevent terrorists and violent extremists from exploiting digital platforms to render terrorists and extremists ineffective online.¹³³ Their mission is to provide critical support for efforts to build the collective capacity and capability of industry to address terrorism and violent extremism by offering cross-platform technology solutions, enhanced information sharing, and practical research.¹³⁴ To date the group has explored new technical solutions, refined crisis response protocols, studied legal frameworks addressing terrorist and violent extremist content, pursued innovations in algorithmic amplification and positive interventions, examined how to enhance transparency, and looked at new ways to include researchers and academics. They developed a database to address terrorist content that is produced outside of the United Nations Security Council's Consolidated Sanctions List. The UN Sanctions list already includes imminent credible threats, graphic violence, glorification of terrorist acts, and recruitment and instruction material. The organization seeks to also include attacker manifestos, branded publications (yes, al-Qaeda has its own magazine called Inspire), and a URLs that produce content that meet the criteria of the UN consolidated sanctions list. The Terrorist Content Analytics Platform, created by Tech Against Terrorism, automates the collection, verification, and analysis of terrorist content across technology platforms.¹³⁵ The database acts as a net collecting URLs from Islamic State, al-Qaeda, affiliates of these two organizations, Taliban entities, white supremacist and neo-Nazi

¹³³ "Annual Report 2021," Global Internet Forum to Counter Terrorism, April 30, 2022, <https://gifct.org/about/>.

¹³⁴ Ibid.

¹³⁵ Ibid.

groups that have been designated by the United Nations, European Union, Australia, Canada, United Kingdom, Canada, and United States, to detect potential activity and content on their platforms that violate their respective terms of service and policies and enhance information sharing.¹³⁶

But removing content and deactivating accounts can only go so far and may also bring unintended consequences. As more content moderation occurs, these extremists shift to social media and communications platforms that promise absolute freedom and end-to-end encryption, hindering intelligence gathering and investigations.

Eugene Volokh, Professor of Law at UCLA School of Law, and one of the nation's top experts on First Amendment law, Internet law, and Second Amendment law, discusses how the First Amendment should treat “Crime Facilitating Speech” which he defines as any communication that conveys information that makes it easier or safer to commit crimes, torts, acts of war, or suicide, or to get away with committing such acts.¹³⁷ He notes that crime-facilitating speech ought to be constitutionally protected unless (1) it's said to a person or a small group of people when the speaker knows the listeners are likely to use the information for criminal purposes, (2) it's within one of the few classes of speech that has almost no noncriminal value, or (3) it can pose truly extraordinary harm (on the order of a nuclear attack or a plague) even when it's also valuable for lawful purpose.¹³⁸ He specifically points out that crime-facilitating speech cases should be

¹³⁶ Ibid.

¹³⁷ Eugene Volokh, “Crime-Facilitating Speech,” *UCLA School of Law Research Paper No. 04-15*, September 17, 2004. Available at SSRN: <https://ssrn.com/abstract=592171>

¹³⁸ Ibid.

treated the same regardless of the medium. This somewhat “radical” opinion could face significant objection from lawmakers and the Supreme Court but is not without the precedent. *Schenck v. United States (1919)* defined one limit of free speech as that which creates a “clear and present danger”; *Abrams v. United States (1919)* further refined restriction on speech if it is "directed at inciting or producing imminent lawless action" and *Brandenburg v. Ohio (1969)* helped further define limits requiring that the speech is "likely to incite or produce such action."

Attempts to urge social media companies to take down accounts and posts espousing violent intentions have been met with criticism and claims of censorship. Conservatives have long lamented censorship by media companies, claiming for the last decade that social media companies have selectively enforced community standards in a way that benefits liberal viewpoints. While Democrats have railed against Section 230 of the Communications Decency Act (CDA) for providing a liability shield preventing social media companies from being accountable for the content of their platforms, content that Democrats say is hate speech and contributes to violence. Attorney Jaime Freilich says that should change,

Congress should amend the Communications Decency Act to prevent its immunity shield from applying in cases arising under the Anti-Terrorism Act (ATA) because failure to do so frustrates the ATA’s intention of providing terror victims’ families with an avenue of legal redress against parties who have provided material support to terrorists. Social media companies are aware that terrorist propaganda is being disseminated over their platforms; they are aware that people are being indoctrinated through their platforms. They are profiting by running targeted advertising alongside the propaganda. Safely behind the CDA’s shield, however, they have no incentive to develop tools to mitigate the dire impact of online terrorist recruiting. The proposed amendment to the CDA would

encourage companies to combat online terrorist propaganda while also ensuring that suits brought under the ATA will move past the motion to dismiss stage.¹³⁹

The sad truth is that extremists have been more agile, aggressive, and insidious in their use of social media platforms than governments and the private sector have been in tracking, stopping, and preventing them from hijacking the online world.¹⁴⁰

In a September 2019 joint hearing before the House of Representatives Committee on Oversight and Reform, subcommittee on National Security, and the subcommittee on Civil Rights and Civil Liberties called “Confronting White Supremacy,” Dr. Kathleen Belew, Research Fellow, Center for Advanced Study in Behavioral Sciences at Stanford University observed that the white power movement from its modern formation after the Vietnam War through the Oklahoma City bombing to these formerly fragmented groups brought people together and connected people: “It joined men, women, and children; felons and religious leaders, civilians and veterans and active-duty troops.” Dr. Belew noted that little success could be expected without fundamental change to the surveillance of white power activity and the prosecution of domestic terrorism.

Dr. Joshua Geltzer, Director of the Institute for Constitutional Advocacy and Protection at Georgetown Law, agreed, only he examined this rise of white power not as a uniquely domestic threat but as a multi-national threat, much like ISIS. He advocated

¹³⁹ Jaime M. Freilich, “Section 230’s Liability Shield in the Age of Online Terrorist,” 83 *Brook. L. Rev.* (2017).

Available at: <https://brooklynworks.brooklaw.edu/blr/vol83/iss2/16>

¹⁴⁰ “Radicalization: Social Media and the Rise of Terrorism” Hearing Before the Subcomm. on Nat’l Sec. of the H. Comm. on Oversight and Gov’t Reform, 114 Cong. 7 (2015) <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Wallace-CEP-Testimony.pdf>.

for a similar approach to counteracting the Islamic threat, asserting that the U.S. government should take a hard look at designating foreign white supremacist groups. This designation would bring the total weight of the National Counterterrorism Center to bear, and in his testimony before the Subcommittee on National Security and the Subcommittee on Civil Rights and Civil Liberties of the Committee of Oversight and Reform (September 20, 2019), urged the Congress to update the statute with an amendment providing for that. The roots of white supremacy are global, and a change in the designation would undoubtedly offer additional tools to law enforcement.

Katrina Mulligan, Managing Director of National Security and International Policy for the Center for American Progress, echoed the concerns and supported the solutions of Belew and Geltzer but restated the need to protect civil liberties and buttressed her argument suggesting the tools and remedies already available are adequate when creatively leveraged, but that the intelligence community should explicitly identify and distinguish “violent white supremacists as threat actors.”¹⁴¹ Ms. Mulligan supported a report reviewing lessons learned from the increased scrutiny and surveillance state authorized in the wake of 9/11 and mentioned specifically to include how our leaders can “avoid enflaming politically motivated violence.”

Conversely, Candace Owens testified that white supremacy is not a real problem facing black Americans. The real problem is father absence, the prison epidemic, poverty, crime, illiteracy, and abortion, which disproportionally impact Black Americans. While

¹⁴¹ “Confronting White Supremacy (part III) September 20, 2019,” Joint Hearing before the Subcommittee on National Security and the Subcommittee on Civil Rights and Civil Liberties of the Committee on Oversight and Reform, accessed March 25, 2022, <https://www.govinfo.gov/content/pkg/CHRG-116hhrg37975/html/CHRG-116hhrg37975.htm>.

the issues Ms. Owens raised are factually accurate in a silo, they do not acknowledge, address, or explain the threat represented in intelligence community assessments. Ms. Owens gave no proposal for ways to counteract the threat of white power extremists.

In a 2021 report for the Rand Corporation, Brian Michael Jenkins advocated using the current tools for prosecuting domestic terrorists, avoiding a deepening of the political divide that already exists. “Trying them as ordinary criminal offenders would be simpler, less controversial, and deprive them of their political pretensions,” he claimed, diminishing their ability to use prosecution as a recruiting tool. The same tools used to counter homegrown jihadists are not a model for dealing with domestic terrorism because there is no “galvanizing event” to unite the country in a common cause.¹⁴² He noted that domestic political extremists have a potential constituency that runs deep in American society. He warned that political divisions aimed at limiting intelligence operations could align conservatives and libertarians as it has in the past; his solution is to focus more traditionally on prosecuting violent crimes and bringing perpetrators to justice over a sweeping legal and political reform that could undermine the conviction rates by pursuing politicized charges such as seditious conspiracy or insurrection.¹⁴³

In a statement by FBI Agents Association president Brian O’Hare “Acts of violence intended to intimidate civilian populations or influence or affect government policy should be prosecuted as domestic terrorism regardless of the ideology behind them.” The way the current statutes are written does not allow for prosecution of

¹⁴² Brian Michael Jenkins, “Countering Domestic Terrorism May Require Rethinking U.S. Intelligence Strategy,” *RANDBlog*, October 5, 2021, <https://www.rand.org/blog/2021/10/countering-domestic-terrorism-may-require-rethinking.html>.

¹⁴³ Ibid.

terrorism rooted in domestic extremist ideologies, even though the Department of Justice defines domestic terrorists as those who commit crimes within the homeland and draw inspiration from U.S.-based extremist ideologies and movements. Penalties are required for the definition to be an effective deterrent for would-be perpetrators and a tool for law enforcement. Making domestic terrorism a federal crime would not result in the targeting of specific ideas or groups.¹⁴⁴ Instead, it would target acts of violence that have no place in the political discourse secured by our Constitution and Bill of Rights.¹⁴⁵

Manar Waheed, senior legislative counsel with the ACLU, said, “The ACLU opposes any legislation that would enhance existing domestic terrorism powers...as well the creation of additional domestic terrorism-related crimes.” The Anti-Defamation League approaches these challenges with policy suggestions that echo some input from each of the above sources: speaking out against hate, enacting laws to fight domestic terrorism, expanding the dialog between communities and technology companies, utilizing community-centric prevention strategies, and relying on anti-bias civics education programs in schools.¹⁴⁶ “You can’t really deal with the problem unless you acknowledge it exists,” said Mark Pitcavage, a senior fellow at the ADL’s Center on Extremism, “We need a consensus that this is a problem, and we need to get together, irrespective of people’s partisan beliefs or anything else, to confront this problem for the good of everybody.”

¹⁴⁴ “Domestic Terrorism: An Overview,” Congressional Research Service, August 21, 2017, <https://crsreports.congress.gov/product/pdf/R/R44921>.

¹⁴⁵ “Press Release – Statement on White House’s National Strategy - June 15, 2021,” FBI Agents Association, accessed April 6, 2022, <https://www.fbiaa.org/fbiaa-press-releases-list/fbi-agents-association-statement-white-house’s-national-strategy>.

¹⁴⁶ “Murder and Extremism 2021,” Anti-Defamation League, accessed March 12, 2022, <https://www.adl.org/murder-and-extremism-2021>.

The FBI, DHS, and NCTC issued a joint intelligence bulletin in January 2021, warning of the ongoing threats and increasing potential for violence after the January 6th breach by some domestic violent extremists (DVEs) of the U.S. Capitol Building in Washington, DC. They noted there was an uptick in the threat of violence from domestic violent extremists (DVEs); anti-government or anti-authority violent extremists, specifically militia violent extremists (MVEs); racially or ethnically motivated violent extremists (RMVEs); and DVEs citing partisan political grievances that continue to pose a great domestic terrorism threat in 2021.¹⁴⁷ Threats and plotting of illegal activity, including the destruction of property and violence targeting officials at all levels of the government, law enforcement, journalists, and infrastructure, as well as sporadic violence surrounding lawful protests, rallies, demonstrations, and other gatherings by DVEs increased due to renewed measures to mitigate the spread of COVID-19, socio-political conditions, and perceived government overreach.¹⁴⁸ The FBI, DHS, and NCTC advised federal, state, local, tribal, and territorial government counterterrorism and law enforcement officials and private sector security partners to remain vigilant considering the persistent threat posed by DVEs and their unpredictable target selection in order to effectively detect, prevent, preempt, or respond to incidents and terrorist attacks in the United States.¹⁴⁹

¹⁴⁷ FBI, DHS and NCTC Joint Intelligence Bulletin, “Domestic Extremists Emboldened in Aftermath of Capitol Breach, Elevated Domestic Terrorism Threat of Violence Likely Amid Political Transitions and Beyond,” January 13, 2021, 1, https://www.globalsecurity.org/intell/library/reports/2021/capitol-breach-aftermath_dhs-fbi-nctc_joint-intell-bulletin_20210113.pdf

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

The January 6th insurrection has continued to serve as a significant driver of violence for domestic violent extremists. The engagement of ideologically diverse domestic violent extremists with law enforcement, and the breach of the Capitol that resulted in the death of Ashli Babbitt, a U.S. Air Force veteran who was involved in the Capitol breach and had been radicalized online, will very likely serve to galvanize extremists and increase collaboration primarily between militia extremists and racially motivated extremists, as well as those who adhere to Qanon conspiracy theories.¹⁵⁰ They the death of a perceived like-minded individual as an act of martyrdom at the hands of law enforcement, a historically significant driver for domestic extremists.¹⁵¹ Notorious domestic extremists like Timothy McVeigh have historically seized on the deaths of Vicki and Samuel Weaver, at Ruby Ridge, Idaho, in 1992; the Branch Davidians compound at Waco, Texas in 1993; and Duncan Lemp in 2020 to justify threats against law enforcement and government officials.¹⁵²

The joint bulletin includes damning understanding of the domestic extremist terror threat including the potential to exploit other lawful gatherings and ideological drivers, including conspiracy theories, such as Qanon, likely violence against common targets, including racial, ethnic, or religious minorities and institutions, law enforcement, and government officials and buildings,¹⁵³ warnings of more criminal activity by rioters targeting media members owing to the extremists perception of media complicity in a system hostile to their beliefs.¹⁵⁴ It recognized insignias adopted by extremists, including

¹⁵⁰ Ibid, 2.

¹⁵¹ Ibid

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

three percenters (III%ers), the Confederate flag, swastikas, Qanon flags, and other symbols associated with neo-Nazis.

Since the insurrection the prosecution of participants including those charged with trespassing all the way up to seditious conspiracy has provided yet more fodder for recruitment. Far-right politicians like Marjorie Taylor Green and Louie Gohmert have even joined the action calling those charged “political prisoners.” The rhetoric and galvanization of like-minded individuals perpetuate additional threats and radicalization.

Threats against election workers and members of Congress increased more than four times after Trump took office. In 2016, the Capitol Police investigated 902 threats; the following year, that number reached 3,939.¹⁵⁵ It’s bad enough that these threats are made based on real events but talk radio and fake news on social media have generated threats based on completely invented content. From voicemails to emails and direct messages on social media platforms, Americans resorting to or, at the very least threatening violence against those with whom they disagree is becoming commonplace.

4.3 Disproportionate Response

The massive disparity of effort and resources to address international terrorism versus hate crimes, domestic terrorism, and mass shootings is concerning, it represents the politicization of national security. Other forms of domestic terrorism, like eco-terrorism and abortion rights terrorism, have been mitigated by legislation criminalizing

¹⁵⁵ Catie Edmonson and Mark Walker, “One Menacing Call After Another: Threats Against Lawmakers Surge,” *The New York Times*, February 2, 2022, <https://www.nytimes.com/2022/02/09/us/politics/politician-death-threats.html>

certain activities. Yet far-right domestic terrorism continues without meaningful legislative abatement effort. The 1994 edition of *Terrorism in the United States*, the FBI's annual report on international and domestic terrorism, gave short shrift to domestic terrorism in general; the report's section on domestic terrorism devoted most of its attention to violent acts by left-wing Puerto Rican independence activists and to animal rights and environmental extremists such as the Animal Liberation Front.¹⁵⁶

The Federal Bureau of Investigation said eco-terrorists had represented one of the most serious domestic terrorism threats in the U.S. citing the sheer volume of their crimes (over 2,000 since 1979); the vast economic impact (losses of more than U.S.\$110 million since 1979); the wide range of victims and their increasingly violent rhetoric and tactics.¹⁵⁷ The FBI noted an enhanced ability to collect and intelligence as the reason their efforts to prevent ongoing attacks have been successful, saying, "Since 9/11, we have greatly strengthened our ability to identify, collect, analyze, and share intelligence across all of our national security and criminal priorities. And that has carried over into our investigations of violence and terror committed in the name of the environment—as well as of animal rights."¹⁵⁸ In response to these attacks, lawmakers made spiking trees a federal offense in the United States in 1988, and the Animal Enterprise Protection Act of 1992 criminalized attacks in the name of animal rights.

¹⁵⁶ "Significance of the Oklahoma City Bombing," Anti-Defamation League, March 2015, <https://www.adl.org/news/article/oklahoma-city-bombing>

¹⁵⁷ "Putting Intel to Work Against ELF and ALF Terrorists," Federal Bureau of Investigation Archives, June 30, 2008, https://archives.fbi.gov/archives/news/stories/2008/june/ecoterror_063008.

¹⁵⁸ "Eco-Terror Indictments: 'Operation Backfire' Nets 11," The Federal Bureau of Investigation Archives, January 20, 2006, <https://archives.fbi.gov/archives/news/stories/2006/january/elf012006>.

158 Sarah Frostenson, "40 years of attacks on abortion clinics, mapped," *Vox*, December 1, 2015,

The whole of law enforcement effort in 1995 was determined to uncover and dissect the Oklahoma City bombing, the worst act of homegrown terrorism in the nation's history.¹⁵⁹ The bombing revealed the threat of violent anti-government extremist ideology, a rapidly growing militia and sovereign citizen movements that was largely fueled by anger generated by the standoffs at Ruby Ridge, Idaho, in 1992 and Waco, Texas, in 1993.¹⁶⁰ After the Oklahoma City bombing, scientists, security experts, and the ATF asked Congress to develop legislation that would require customers to produce identification when purchasing ammonium nitrate fertilizer and for sellers to maintain records of its sale. Critics argued that farmers lawfully use large quantities of fertilizer. After Oklahoma City, Congress expanded the U.S. Sentencing Commission code 18 U.S.C. § 3A1.4 to apply to domestic terrorism, defining a federal crime of terrorism as “calculated to influence or affect the conduct of a government by intimidation or coercion, or to retaliate against government conduct.” But failed to criminalize domestic terrorism as a crime on its own.

In 1998, a Colorado group known as “The Family” burned down the Vail ski resort in protest of the resort's expansion and the impact on local wildlife, causing \$26 million in damage. The FBI joined together with the Bureau of Alcohol, Tobacco, Firearms, and Explosives and launched Operation Backfire to convict the individuals and any future eco-terrorist groups.¹⁶¹ The FBI brought charges of “domestic terrorism” on

¹⁵⁹ “History: Famous Cases and Criminals: Oklahoma City Bombing,” Federal Bureau of Investigation, accessed March 10, 2022, <https://www.fbi.gov/history/famous-cases/oklahoma-city-bombing>.

¹⁶⁰ “Significance of the Oklahoma City Bombing,” Anti-Defamation League, March 2015, <https://www.adl.org/news/article/oklahoma-city-bombing>

¹⁶¹ “Eco-Terror Indictments: ‘Operation Backfire’ Nets 11,” The Federal Bureau of Investigation Archives, January 20, 2006, <https://archives.fbi.gov/archives/news/stories/2006/january/elf012006>.

eleven people. Still, because there was no specific domestic terrorism statute, the indictment included arson charges, conspiracy, use of destructive devices, and destruction of an energy facility.

Anti-abortion violence is another uniquely targeted violent movement that falls under the umbrella of domestic terrorism; wielded as a political weapon against women's rights, anti-abortion violence is directed toward participants and providers of abortion services. Charges from this type of extremist violence include vandalism, bombings, arson, murder, and attempted murder. Since 1977, there have been eight murders, 17 attempted murders, 42 bombings, and 186 arsons targeted at abortion clinics and providers across the United States.¹⁶² These violent activities resulted in the Freedom of Access to Clinic Entrances Act of 1994 (FACE) which made it a federal crime to obstruct the entrance to a clinic physically or to use force, the threat of force, or physical obstruction, such as a sit-in, to interfere with, injure, or intimidate clinic workers or women seeking abortions or other reproductive health services.¹⁶³

The Department of Justice began prosecuting federal hate crimes cases after enacting the Civil Rights Act of 1968. The Shepard Byrd Act of 2009 was the first statute allowing federal criminal prosecution of hate crimes motivated by the victim's actual or perceived sexual orientation or gender identity. The Act made it a federal crime to

¹⁶² Sarah Frostenson, "40 years of attacks on abortion clinics, mapped," *Vox*, December 1, 2015, <https://www.vox.com/2015/12/1/9827886/abortion-clinic-attacks-mapped>.

¹⁶³ Susan Gluck Mezey, "Freedom of Access to Clinic Entrances Act of 1994," *First Amendment Encyclopedia*, accessed March 15, 2022, <https://www.mtsu.edu/first-amendment/article/1080/freedom-of-access-to-clinic-entrances-act-of-1994>.

willfully cause bodily injury or attempt to use a dangerous weapon because of the victim's actual or perceived race, color, religion, or national origin.¹⁶⁴

The 9/11 attacks reframed the intelligence and law enforcement community's focus, driving responsive measures to protect against Islamic terrorism. By far, the most significant improvement in intelligence efforts came out of this tragedy. The USA PATRIOT Act, signed just weeks after the 9/11 attacks, helped empower our intelligence community to proactively work against another attack and properly criminalize and prosecute these actions, but the focus on domestic terrorism has remained elusive. While the Department of State designates foreign terrorist organizations, there is no existing government designation for domestic terrorist organizations. The Department of Justice delineates domestic terrorist "threats" as individuals who commit crimes in the name of ideologies supporting animal rights, environmental rights, anarchism, white supremacy, anti-government ideals, black separatism, and beliefs about abortion.¹⁶⁵

In the wake of 9/11, the government profiled and watched its citizens, ushering in a new era of mass surveillance. There have been attempts to roll back some of these policies in the years since. Still, many post-9/11 developments have remained in place, impacting America's use of force abroad, immigration and surveillance policies, and the delicate balance of separation of powers.¹⁶⁶ The USA PATRIOT Act drastically expanded

¹⁶⁴ "Federal Hate Crime Laws," United States Department of Justice, accessed March 12, 2022, <https://www.justice.gov/hatecrimes/laws-and-policies>.

¹⁶⁵ Bjelopera, Jerome P., Domestic Terrorism: An Overview, Congressional Research Service, R44921, August 21, 2017. Pages 1-10.

¹⁶⁶ Madeline Carlisle, "How 9/11 Radically Expanded the Power of the U.S. Government," *Time Magazine*, September 11, 2021, accessed March 12, 2022. <https://time.com/6096903/september-11-legal-history/>

surveillance tools used by law enforcement to investigate crimes.¹⁶⁷ Chapter 113B of Title 18 of the U.S. Code contains Material Support provisions in Sections § 2239A & B; some of the provisions under this code apply to international and domestic terrorism. Still, the statute requires a nexus to foreign terrorism, making it minimally effective in charging domestic terrorists because there is no designation of domestic terrorist groups.

Foreign Intelligence Surveillance Act of 1978 (FISA) provides for foreign terrorism activity predicates but, like the Sections mentioned above, does not support intelligence gathering free of foreign links. The probable cause standard for domestic surveillance requires investigators seeking a warrant to demonstrate “a fair probability” that contraband or evidence of a crime will be found in a specific place. Investigators seeking a court order authorizing electronic surveillance under FISA are not required to assert that the evidence sought relates to a crime, only that it satisfies FISA’s foreign nexus requirement.

There would be a great deal of power in investigative tools meeting the “nexus” standard for domestic terrorism threats. The absence of a domestic equivalent of the material provision statute means the predicate for [domestic terrorism] investigation may be higher, which could mean what constitutes reasonable suspicion may also be pushed higher.¹⁶⁸ Some law enforcement and intelligence officials argue that U.S. federal investigative tools do not differentiate sharply between domestic and international terrorism and that existing laws allow the federal government to formally investigate

¹⁶⁷ Ibid.

¹⁶⁸ Brian Michael Jenkins, “Countering Domestic Terrorism May Require Rethinking U.S. Intelligence Strategy,” *The RAND Blog*, October 5, 2021, <https://www.rand.org/blog/2021/10/countering-domestic-terrorism-may-require-rethinking.html>.

domestic attacks as domestic terrorism, even if those crimes are eventually prosecuted as murders, hate crimes, or something else. However, as Dr. Geltzer suggested in his testimony before Congress, the U.S. government designating foreign white supremacy groups would begin to offer these broader tools to law enforcement. In addition, the U.S. government could work with the United Nations, the European Union, Australia, Canada, the United Kingdom, and Canada to designate U.S. terror organizations to further enhance their ability to mitigate the threat. In fact, in 2021, Canada designated the Proud Boys, Atomwaffen Division, The Base, the Three Percenters and Aryan Strikeforce as terrorist entities. Thus far, no investigations or charges have been brought by the U.S. government against a domestic group based on a connection to these foreign designations.

“White supremacy is a greater threat than international terrorism right now,” says David Hickton, a former U.S. Attorney. He directs the University of Pittsburgh Institute for Cyber Law, Policy, and Security. “We are being eaten from within.” Yet Hickton says federal prosecutors are limited in how they try domestic cases. “I’d have to pursue a white supremacist with hate crimes unless he interfaced with al-Qaeda. Does that make any sense?”¹⁶⁹ Elizabeth Neumann, a former DHS official in the Trump administration, agreed; consistent with Dr. Joshua Geltzer’s perspective, in 2020, the FBI linked two members of the Boogaloo Bois to the Palestinian Hamas to charge them with conspiracy to provide “material support” to a foreign terrorist organization, “if we get

¹⁶⁹ Daryl Johnson, “I warned of right-wing violence in 2009. Republicans objected. I was right.” *The Washington Post*, August 12, 2017

them tied to a foreign ideology or group, it is easier for us to prosecute.” Neumann also said it is unjust to treat domestic and foreign terrorism unequally.¹⁷⁰

4.4 Asymmetrical Obstruction

In 2009, a DHS report titled “Right-Wing Extremism: Current Economic and Political Climate Fueling Resurgence and Recruitment,” written by Daryl Johnson (a self-identified conservative Republican), leaked to conservative bloggers before its release. The study warned that returning veterans from Iraq and Afghanistan, traumatized abroad, and underserved at home, would pose a particular threat to law enforcement, and be targeted for recruitment by extremists and drawn to radicalized movements inside the country.¹⁷¹ It was immediately denounced by conservatives who demanded Homeland Security Secretary Janet Napolitano rescind the report. White nationalists, anti-government extremists, and members of other far-right groups were seizing on the economic crisis and Obama’s ascension to recruit new members.¹⁷² Congressional Republicans succeeded in shutting down an Intelligence Unit of the Department of Homeland Security called the Extremism and Radicalization Branch after the classified report was leaked. The American Legion formally requested an apology to veterans. DHS caved to political pressure, and work related to right-wing extremism was halted. The unit was disbanded, and by 2010 no DHS analysts were working on domestic terrorism

¹⁷⁰ Masood Farivar, “Why Domestic Terrorism Is Not Specifically Designated a Crime in the US,” *Voice of America*, February 2021, https://www.voanews.com/a/usa_why-domestic-terrorism-not-specifically-designated-crime-us/6201836.html.

¹⁷¹ Ben Wofford, “The GOP Shut Down a Program That Might Have Prevented Dallas and Baton Rouge,” *Politico*, July 24, 2016.

¹⁷² Vera Bergengruen and W.J. Hennigan, “The Terror Within,” *Time Magazine*, August 19, 2019, pages 20-27.

threats.¹⁷³ It wasn't the only report to warn of coming danger; another study by the Missouri Information Analysis Center titled "The Modern Militia Movement" drew a clear line between militia members and Christian identity, anti-abortion, and anti-government movements.

In 2015, Senate Republican leadership failed even to allow a vote for Republican Senator Susan Collins' (R-ME) bipartisan bill that would have closed the terror gap for a narrow subset of terrorism suspects. Senate Republicans voted against the proposal to prevent those on terrorist watch lists from purchasing guns and explosives on two separate occasions. They rejected the Denying Firearms and Explosives to Dangerous Terrorists Act of 2015 (S. 551), which would have empowered the U.S. Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to suspected terrorists if it is reasonably believed those individuals may use firearms or explosives in connection with an act of terrorism, all while protecting legitimate gun owners' rights to acquire guns or explosives. Senate Republicans failed to hold a vote on another proposal to provide necessary emergency funding to the FBI for counterterrorism efforts and active shooter training grants for state and local law enforcement.¹⁷⁴

The 2021 report by CSIS echoed the concerns of the 2009 report, highlighting more far-right attacks and plots by military service members, veterans, and current and former police officers, some of whom participated in the January 6th riot at the Capitol.¹⁷⁵

¹⁷³ Daryl Johnson, "I warned of right-wing violence in 2009. Republicans objected. I was right," *The Washington Post*, August 12, 2017.

¹⁷⁴ "Senate Republicans' Failure to Keep America Strong and Safe," Democratic Policy and Communications Center, accessed May 4, 2022, <https://www.dpc.senate.gov/docs/fs-114-2-174.pdf>.

¹⁷⁵ Robert O'Harrow Jr., Andrew Ba Tran, and Derek Hawkins, "Domestic Terrorism data show right-wing violence on the rise," *The Washington Post*, April 12, 2021.

This fear is consistent with the research of Dr. Kathleen Belew, in her book *Bring the War Home*, noting, in particular, Louis Beam, who used his Vietnam war story to militarize a resurgent KKK in the 1970s. She said that Klan membership surges had aligned more neatly with the aftermath of war than with poverty, anti-immigration sentiment, or populism.¹⁷⁶ After each war, veterans not only joined the Klan but also played instrumental roles in leadership, providing military training to other Klansmen, and carrying out violence.¹⁷⁷

In the earliest days of his Administration, Trump eviscerated the DHS Office of Community Partnerships, which oversaw the counter-radicalization program that focused on violent extremism in states. They pulled funding for grants that were intended to go to organizations countering neo-Nazis, white supremacists, anti-government militants, and other like-minded groups,¹⁷⁸ for example, a \$400,000 grant awarded by the Obama administration to Life After Hate, a group founded by a former skinhead dedicated to helping people leave hate groups. In its place, the Trump administration selected almost exclusively programs that focus on Islamic extremists despite data showing an increase in domestic terrorist threats associated with white nationalists and anti-government groups.¹⁷⁹ In April 2022, House Judiciary Republicans blocked The Domestic Terrorism

¹⁷⁶ Kathleen Belew, *Bring the War Home* (Cambridge: Harvard University Press, 2018), 20.

¹⁷⁷ Ibid.

¹⁷⁸ Ron Nixon and Eileen Sullivan, "Revocation of Grants to Help Fight Hate Under New Scrutiny After Charlottesville," *The New York Times*, August 15, 2017.

¹⁷⁹ Ibid.

Prevention Act (which still passed out of committee) by a 21 to 17 party-line vote, but the Act failed in the Senate.¹⁸⁰

In 2006 the FBI released an intelligence assessment warning of, “White supremacist infiltration of law enforcement.” Fourteen years of evidence since the FBI’s assessment confirm that officers across the country have been dismissed for active membership in the KKK and other similar groups. While law enforcement officers may not have formal affiliations with racist groups, many sympathize with their racist ideology. A leaked 2015 FBI counterterrorism policy guide makes the case more directly; it warns agents that FBI domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have active links with law enforcement officers. In 2019, investigative journalists published the Plain View Project, which collected over 5,000 postings displaying white supremacist, xenophobic, misogynistic, and violent Facebook material from police officers in eight cities.¹⁸¹ A 2021 leak of the Oathkeepers Militia membership list exposed the ongoing challenge. The ADL found that 373 people named on the Oath Keepers membership list are currently serving in law enforcement agencies across the U.S., including at least 10 chiefs of police and 11 sheriffs, 117 people currently serving in the military, on top of 11 people serving

¹⁸⁰ “House Judiciary Committee Republicans Vote Against Important Domestic Terrorism Legislation,” House Committee on the Judiciary, accessed May 4, 2022, <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=4914>.

¹⁸¹ “Confronting Violent White Supremacy (Part IV): White Supremacy in Blue – The Infiltration of Local Police Departments,” Hearing before the Subcommittee on Civil Rights and Civil Liberties of the Committee on Oversight and Reform, September 29, 2020, accessed April 29, 2022, [83](https://oversight.house.gov/legislation/hearings/confronting-violent-white-supremacy-part-iv-white-supremacy-in-blue-the#:~:text=On%20Tuesday%2C%20September%2029%2C%202020%2C%20at%2010%3A00%20a.m%2C,Supremacy%20in%20Blue—The%20Infiltration%20of%20Local%20Police%20Departments.”</p></div><div data-bbox=)

in the reserves and another 31 who are military contractors or hold civilian positions, 86 active firefighters (including several fire chiefs), 19 active paramedics, and 31 active emergency technicians, and 81 people who were holding or running for public office across the country as of Aug. 8, 2021 — mayors, town councilmembers, school board members — to state representatives and senators.¹⁸² This truth creates tremendous conflict among those the public depends on to enforce the rule of law and ensure safety, those who have sworn to uphold the Constitution. The conflict compromises public trust. It becomes clear that the politicians who oppose casting right-wing extremism as domestic terrorism are reluctant to criminalize domestic terrorism do so because they would be outing their own constituency. Even Army and Navy cadets from West Point and the Naval Academy used hand signs that are known to signal white power during a television broadcast. The signs are literally everywhere.

White nationalists do not exclusively commit acts of domestic terrorism, but they represent a disproportionate percentage of the total; Oklahoma City Federal Building (1995), the Los Angeles Jewish Community Center shooting (1999), the Charleston Church shooting (2015), Charlottesville (2017), Tree of Life synagogue shooting (2018), El Paso Shooting (2019) and the Poway Chabad shooting (2019) all represent domestic terror events that were motivated by white nationalists. Most were prosecuted as hate crimes. The Oklahoma City bombing, which claimed 168 lives, including 19 children and 680 injured, was indiscriminate and served the broader anti-government ideology.

¹⁸² Ivana Saric, “Oath Keepers members list includes military, law enforcement, politicians,” *Axios*, September 7, 2022, <https://www.axios.com/2022/09/07/oath-keepers-member-list-military>.

Timothy McVeigh, and Terri Nichols, used the Waco and Ruby Ridge incidents to justify their anti-government sentiments and incitement to action.

Domestic extremists have proliferated in reach and capability, merging with fragments of shared ideology, grievance, and purpose, emboldened by the limited denunciation of hateful actions or silence from partisan leaders. Coupled with the wild, wild west environment of the internet and social media, law enforcement and prosecutors have struggled to keep up with the rising tide of violence. It's a complicated conversation that lawmakers don't want to have, but it should be noted that those who are most reluctant to act are often the least likely to be victims of domestic terrorism.

This research demonstrates that homegrown domestic extremists can be defined as U.S. persons who appear to have assimilated but reject the cultural values, beliefs, and environment of the United States. They identify themselves as patriots and become radicalized in the United States. They intend to provide support for or directly commit terrorist attacks inside the United States. The threat from homegrown domestic extremists is likely larger in scale than that posed by overseas terrorist groups such as but is potentially larger in psychological impact. Domestic terror attacks have a galvanizing effect on the population that identifies with the cause and has emboldened them to further infiltrate law enforcement, the intelligence community, the military, and political institutions. This threat is amplified by the constant existential rhetoric from the de facto head of the Republican party, many Republican lawmakers, and perpetuates the breakdown of American democracy.

Representative democracy as a system of government depends on citizens having faith and trust in their leaders, their elections, and the belief that the United States is a

nation that abides by the rule of law. Domestic terrorism makes the system of representative democracy and the concept of American democracy weaker and less secure through a gradual, repeated process of intimidation and the twisting of founding principles as a vice against the modern world. The lack of substantive response to a legacy of right-wing domestic terrorism has passively allowed the threat of domestic extremism to expand, further corroding the foundation of American democracy.