



The State of Homegrown Terrorism

Written testimony of:

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Chairman Bloom, distinguished Members of the Select Committee, it is a privilege to be invited to speak on the domestic violent extremism landscape.

The Fractured Domestic Terrorism Threat to the United States

The threat from domestic terrorism to the United States has metastasized over the past decade. Simultaneously, it has fractured. At first glance, these two dynamics would seem to be in direct contradiction. However, both the increase in incidents of domestic terrorism and the decreased effectiveness of U.S. domestic counterterrorism are tied to the ever-expanding list of domestic extremist movements that operate throughout the country and propagate a range of ideologies. As a result, domestic terrorism threats to the U.S. are not only increasing in number, but in type.

This heightened threat emanating from America's fractured domestic terrorism landscape is reflected in U.S. federal government assessments, from major strategic documents to the testimonies of law enforcement officers working counterterrorism investigations. In March 2021, the United States Intelligence Community assessed that domestic violent extremists (DVEs) who are "motivated by a range of ideologies and galvanized by recent political and societal events... pose an elevated threat to the Homeland".¹ The assessment details that long-standing grievances (such as hatred and bias against minorities or opposition to perceived government overreach) are combining with newer socio-political developments to "drive DVE radicalization and mobilization to violence."²

The simultaneous increase and diversification of the domestic terrorism threat is also apparent in the response of the U.S. federal criminal justice system. The FBI's own assessments find that between 2015 and 2019, there were over 85 significant domestic terrorism incidents perpetrated by multiple categories of DVEs.³ FBI Director Christopher Wray testified recently that the Bureau domestic terrorism caseload more than doubled over the past year- from roughly 1,000 cases to more than 2,700 today.⁴ Simultaneously, the FBI, as well as the broader Department of Justice, have doubled the number of staff working on domestic terrorism investigations. In addition to its

¹ "Domestic Violent Extremism Poses Heightened Threat in 2021." *Office of the Director of National Intelligence*, March 1, 2021. <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>.

² *Ibid.*

³ Federal Bureau of Investigation and Department of Homeland Security. 2021. "Strategic Intelligence Assessment and Data on Domestic Terrorism." Submitted to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee of the Judiciary of the United States House of Representatives, and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee of the Judiciary of the United States Senate. <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report.pdf/view>.

⁴ Wray, Christopher. 2021. "Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11." Testimony before the Senate Homeland Security and Governmental Affairs Committee. September 21, 2021. <https://www.fbi.gov/news/testimony/threats-to-the-homeland-evaluating-the-landscape-20-years-after-911-wray-092121>.

broader domestic terrorism workload, the FBI has taken on the largest investigation in its over 100-year history, initiating several thousand cases and arresting over 660 people to date for their role in the siege of the U.S. Capitol on January 6, 2021.⁵

As this testimony details, the continued growth and fracturing of the domestic terrorism landscape in the U.S. has profound impacts on how policymakers throughout the country contextualize and address the threat. The state of the domestic terrorism landscape has generated four policy problems that hamper the ability of federal, state, and local governments to generate an effective response to domestic terrorism. First, our categorizations of DVE actors oversimplify the nature of these groups and their followers. Second, our counterterrorism toolbox-- used predominantly in international terrorism investigations-- has a mixed record of success against domestic terrorism. Third, roadblocks in information sharing between federal, state, and local law enforcement prevent meaningful collaboration. Finally, ineffective triaging and balancing caseloads, staff, and resources for the variegated counterterrorism landscape can result in counterterrorism failures.

Problems for Domestic Counterterrorism

Categorization

The rise and diversification of DVE threats has created the need for new categorization schemes for domestic extremist groups, actors and ideologies. Categorizing DVE groups has three intended purposes: 1) helping to define the ideological nature(s) of the threat, 2) linking together groups, actors, and ideologies by shared traits, and 3) serving as a basis for data collection, reporting and analysis on each category over time. Ideally, a categorization scheme would accomplish all three goals.

Using this framework, the current classification scheme for DVE groups is accomplishing the third goal, but not the first two. In its aforementioned March 2021 assessment, the U.S. Intelligence Community used various categories to classify DVEs. They include Racially or Ethnically Motivated Violent Extremists (RMVE), Animal Rights/Environmental Violent Extremists, Abortion-Related Extremists, Anti-Government/Anti-Authority Violent Extremists (AGAAVE), and ‘All Other Domestic Terrorism Threats’. Some categories have subcategories; for instance, Anti-Government/Anti-Authority Violent Extremists include Militia Violent Extremists, Anarchist Violent Extremists, and Sovereign Citizen Violent Extremists.⁶ Notably, these “buckets” form the categories that the FBI and the Department of Homeland Security uses in their

⁵ “Capitol Hill Siege.” Program on Extremism at George Washington University. November 16, 2021. <https://extremism.gwu.edu/Capitol-Hill-Cases>.

⁶ Federal Bureau of Investigation and Department of Homeland Security. 2021. “Strategic Intelligence Assessment and Data on Domestic Terrorism.”

Strategic Intelligence Assessment and Data on Domestic Terrorism report, provided to Congress under the National Defense Authorization Act.

While the categorization scheme is assisting in creating a stable basis for data reporting in the federal government, it may be lacking in its understanding of the DVE landscape. Within each of these broad categories often exists a diverse and disparate set of groups, movements and actors with conflicting if not inherently oppositional viewpoints, narratives, ideas, tactics, and goals. For instance, RMVE is defined as “DVEs with ideological agendas derived from bias, often related to race or ethnicity, held by the actor against others, including a given population group.”⁷ Definitionally, this would include a significant number of white supremacist and white nationalist/white separatist groups alongside black separatist groups. In this manner, two groups that are diametrically opposed to one another could strangely fit inside a single category.

Moreover, in today’s domestic terrorism landscape, very few prominent DVE groups and actors fit neatly into one category or the other. The so-called “Boogaloo” movement, whose members believe in conducting mass violence to bring about the collapse of the U.S. government and American society, fuses concepts from the AGAAVE category with the doctrine of “accelerationism”, and in some cases the white supremacism of the RMVE category.⁸ The dynamic of overlapping categories becomes especially pronounced when the focus is on individual domestic terrorists rather than extremists. Lone actor terrorists are especially likely to blend together elements from various extremist ideologies to justify the violence that they plan, often to seemingly contradictory ends. This trend, which FBI Director Wray has referred to as “salad bar extremism”, makes the classification of DVEs into simple categories especially difficult.

Counterterrorism tools

The current approach to the DVE threat is hampered by the belief that traditional counterterrorism tools, especially those used for international terrorism, can be reoriented for use in domestic counterterrorism. Traditional tools-- like terrorism designations, prosecuting leaders, and terrorism statutes-- rely on the extremist groups in question having specific traits that are not usually present in today’s DVE groups.

First, traditional counterterrorism approaches normally assume that extremist groups have formalized hierarchies, with leaders responsible for particular tasks and a sub-structure for

⁷ *Ibid.*

⁸ Newhouse, Alex and Nate Gunesch. 2020. “The Boogaloo Movement Wants To Be Seen as Anti-Racist, But It Has a White Supremacist Fringe.” Center on Terrorism, Extremism, and Counterterrorism. May 30, 2020. <https://www.middlebury.edu/institute/academics/centers-initiatives/ctec/ctec-publications-0/boogaloo-movement-wants-be-seen-anti-racist>; Kriner, Matt and Jon Lewis. 2021. “The Evolution of the Boogaloo Movement.” *Combating Terrorism Center Sentinel* 14 (2): 22-32. February 2021. <https://ctc.usma.edu/the-evolution-of-the-boogaloo-movement/>.

followers. In contrast, today's DVE groups are largely decentralized. The accelerationist, neo-fascist Atomwaffen Division, for example, emerged from an internet forum and therefore lacks distinct branches and an observable organizational hierarchy. Instead, it is a multi-node network with transnational linkages to like-minded neo-fascist movements across the globe.⁹ As a result, the arrests of various personalities linked to Atomwaffen has had little effect on the broader network that it represents, as the actors, groups, and trends associated with the movement engage in a constant process of reinvention and reformation.

In addition, domestic law enforcement policy calls for heightened internal legal review and supervisory approvals for domestic terrorism investigations, in order to provide robust Constitutional, privacy, and civil liberties guardrails throughout the process and to ensure First Amendment-protected activities are not infringed upon.¹⁰ However, there are significant disparities in the tools available for investigations and prosecutions into domestic terrorism compared to international terrorism. In addition to powers such as expanded electronic surveillance and wiretapping, international terrorism prosecutions have access to two significant and interrelated mechanisms: the State Department's Foreign Terrorist Organizations (FTO) list, and the accompanying criminal penalties associated with material support to one of these designated organizations.¹¹ These are not available to prosecutions against domestic terrorists; there is no domestic terrorism designation list and therefore no accompanying criminal penalties.¹²

In the absence of a codified domestic material support statute, prosecutors are often forced to rely on a hodgepodge of low-level criminal charges (such as unlawful possession of a firearm or interstate threats) when domestic law enforcement agencies engage in successful disruption efforts. In many cases, this fails to capture the full scope of criminal conduct committed by DVEs,

⁹ Newhouse, Alex. 2021. "The Threat Is the Network: The Multi-Node Structure of Neo-Fascist Accelerationism." *Combating Terrorism Center Sentinel* 14 (5): 17-25. June 2021. <https://ctc.usma.edu/the-threat-is-the-network-the-multi-node-structure-of-neo-fascist-accelerationism/>.

¹⁰ Federal Bureau of Investigation and Department of Homeland Security. 2021. "Strategic Intelligence Assessment and Data on Domestic Terrorism."

¹¹ Doyle, Charles. 2016. "Terrorist Material Support: An Overview of 18 U.S.C. §2339A and §2339B." Congressional Research Service. December 8, 2016. <https://sgp.fas.org/crs/natsec/R41333.pdf>.

¹² Proposals in favor of such a statute note that this would not include the designation of domestic groups, instead criminalizing the provision of material support to domestic terrorists similar to the function of 18 U.S.C. §2339A, 'Providing Material Support to Terrorists.' This domestic terrorism statute, as proposed, would build on the existing list of federal crimes of terrorism and focus on the enumerated acts already criminalized in federal statutes related to acts of terrorism transcending national boundaries. See, for example: McCord, Mary. 2019. "Filling the Gap in Our Terrorism Statutes." Program on Extremism at George Washington University. August 2019. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Filling%20The%20Gap%20in%20Our%20Terrorism%20Statutes.pdf>; Collins, Amy C. 2020 "The Need for A Specific Law Against Domestic Terrorism." Program on Extremism at George Washington University. September 2020. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/The%20Need%20for%20a%20Specific%20Law%20Against%20Domestic%20Terrorism.pdf>; Laguardia, Francesca. Considering a Domestic Terrorism Statute and Its Alternatives, 114 Nw. U. L. Rev. 1061 (2020). <https://scholarlycommons.law.northwestern.edu/nulr/vol114/iss4/4>.

instead relying on the most readily available criminal charge to stop an individual from conducting an attack. Barring robust domestic terrorism laws, more extensive efforts to develop programs to counter violent extremism, prevent prison radicalization, and understand the risks of violent extremist recidivism have largely fallen by the wayside.

Information sharing

After 9/11, the U.S. federal government overhauled its systems for transmitting pertinent counterterrorism information and intelligence between federal agencies, and for transferring intelligence from the federal level to state, local, tribal, and territorial partners. This system, reflected in FBI Joint Terrorism Task Forces, DHS Fusion Centers, and other institutions, proved effective in responding to international terrorism, where the first point of contact for the most pertinent intelligence was usually a foreign-facing federal Intelligence Community agency. It is not particularly well-suited for domestic terrorism, where intelligence collection and investigations are normally initiated at the local level.

There are two bottlenecks in information sharing between federal, state, and local partners that can impede domestic counterterrorism today. First, in some cases law enforcement agencies at the field level have pertinent information about a DVE group or actor of concern, but the information rarely makes it up to relevant authorities at the federal level. As a prominent example, there are reports that a memo from the FBI's Joint Terrorism Task Force in Norfolk, VA, which reported plans for violence at the U.S. Capitol on January 6th, 2021, were not circulated to several federal agencies, including Capitol Police.¹³ Streamlining information sharing in the reverse direction of the original post-9/11 reforms-- from the local level to the federal level-- is necessary to improve intelligence collection on domestic terrorism threats.

Simultaneously, while the pertinent information in DVE cases is often concentrated at the local level, expertise on DVE groups and movements today is concentrated at the federal level. There are additional roadblocks to the federal law enforcement agencies providing sufficient resources and expertise on domestic extremism to their state and local partners. Law enforcement in each of the 50 states vary in institutional format, resources, authorities, expertise, and political will to confront domestic terrorism in a significant way. As an alternative, state law enforcement agencies with significant experience and expertise in countering domestic terrorism may also be effective interlocutors, particularly to other states within their region.

Triaging and caseload management

¹³ Barrett, Devlin and Matt Zapotosky. 2021. "FBI report warned of 'war' at Capitol, contradicting claims there was no indication of looming violence." *The Washington Post*. January 12, 2021. https://www.washingtonpost.com/national-security/capitol-riot-fbi-intelligence/2021/01/12/30d12748-546b-11eb-a817-e5e7f8a406d6_story.html.

The January 6th attack on the U.S. Capitol represented not only an indicator of the fractured landscape of domestic violent extremists, but a significant threat to many of our democratic processes. In its aftermath, the massive ongoing investigation has also laid bare the difficulties in triaging and assessing the threat landscape as DVE narratives have become increasingly mainstreamed, as well as the manpower and caseload challenges associated with the burgeoning DVE threat to the homeland.

In the months leading up to January 6th, a deluge of explicit and implicit rallying cries and calls to action could be found on nearly every major social media platform. While conflicting reports have since emerged as to the FBI's ability to freely monitor public information on social media, there is clear and convincing evidence that warning signs were missed.¹⁴ While ongoing investigations-- including that led by the January 6th Select Committee-- continue to probe the intelligence failures connected to the violence at the U.S. Capitol, broader questions exist about the efficacy of domestic law enforcement efforts to successfully manage an increasingly mainstreamed and diversified DVE threat landscape.

The sheer scale of domestic terrorism investigations poses an intractable problem to domestic law enforcement - with nearly 3,000 active investigations related solely to cases with a domestic terrorism nexus, a certain degree of risk assessment and triaging comes into play. Resource allocation and prioritization remains a primary challenge, and such measures are further complicated by the cascading issues discussed throughout this testimony: An increasingly fractured and fragmented threat landscape populated by lone actors who typically radicalize online, who engage in behavior ostensibly protected by the First Amendment, and whose pathways to violence, tactics, and targeting methods are increasingly unpredictable.

Conclusion/Not just DVEs

¹⁴ Dilanian, Ken. 2021. "Why did the FBI miss the threats about Jan. 6 on social media?" *NBC News*. March 8, 2021. <https://www.nbcnews.com/politics/justice-department/fbi-official-told-congress-bureau-can-t-monitor-americans-social-n1259769>; Levinson-Waldman, Rachel and Jesus A. Rodriguez. 2021. "Guardrails Needed for FBI Access to Social Media Monitoring." Just Security. January 26, 2021. <https://www.justsecurity.org/74313/guardrails-needed-for-fbi-access-to-social-media-monitoring/>; "Warnings of Jan. 6 violence preceded the Capitol riot." 2021. *The Washington Post*. October 31, 2021. <https://www.washingtonpost.com/politics/interactive/2021/warnings-jan-6-insurrection/>.

The U.S. intelligence and law enforcement communities also have to balance these resources as they contend with the shifting international terrorism landscape.¹⁵ A November 10th DHS National Terrorism Advisory System Bulletin noted that, “foreign terrorist organizations and DVEs continue to attempt to inspire potential followers to conduct attacks in the United States, including by exploiting recent events in Afghanistan.”¹⁶ That bulletin followed a stark warning from the Under Secretary of Defense for Policy, Colin Kahl, that the Islamic State’s affiliate in Afghanistan, ISIS-K, could generate the capability to directly attack the U.S. in six to 12 months, and al-Qaeda could within one to two years.¹⁷

While in the short term al-Qaeda and ISIS-K are more focused on local dynamics,¹⁸ both groups remain interested in attacking the U.S. and the mid- to long-term threats to our country remain. We may not see a major wave of Americans trying to travel to Afghanistan as we saw try to join the caliphate in Iraq and Syria, but we may see something of a trickle.¹⁹ We may also see ISIS-K try to adopt the virtual attack planning model that ISIS used during its heyday, connecting foreign supporters to online operatives in order to help plan attacks on foreign shores. And as the DHS bulletin noted, there is always the threat of inspired attacks that we faced during the peak ISIS years. What’s more, Afghanistan is one of only a number of conflict areas around the world that global jihadist groups like al-Qaeda and the Islamic State are trying to exploit to their advantage, and which pose direct threats to our national security and those of our international and regional partners. Simply put, we may not be battling a physical jihadi caliphate today, but the threat from the global jihadist movement remains even as we turn our attention and resources elsewhere.

¹⁵ Vidino, Lorenzo and Seamus Hughes. 2021. “American counterterrorism cannot be an either/or proposition.” *The Hill*. May 25, 2021. <https://thehill.com/opinion/national-security/555229-american-counterterrorism-cannot-be-an-either-or-proposition>

¹⁶ National Terrorism Advisory System. 2021. “Summary of the Terrorism Threat to the U.S. Homeland.” Department of Homeland Security. November 10, 2021. <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-november-10-2021>

¹⁷ Liebermann, Oren and Ellie Kaufman. 2021. “Senior Pentagon official says ISIS-K could be capable of attacking US next year.” *CNN*. October 26, 2021. <https://www.cnn.com/2021/10/26/politics/pentagon-isis-k-threat/index.html>

¹⁸ Jadoon, Amira, Andrew Mines and Abdul Sayed. 2021. “The Evolving Taliban-ISK Rivalry.” The Lowy Institute. September 7, 2021. <https://www.loyyinstitute.org/the-interpreter/evolving-taliban-isk-rivalry>; Ingram, Haroro, Andrew Mines and Omar Mohammed. 2021. “The Taliban Haven’t Changed, But U.S. Policy Must.” *Lawfare*. <https://www.lawfareblog.com/taliban-havent-changed-us-policy-must>.

¹⁹ Clifford, Bennett and Seamus Hughes. 2021. “Afghanistan and American Jihadists: More Inspiration, Less Destination.” *Lawfare*. October 27, 2021. <https://www.lawfareblog.com/afghanistan-and-american-jihadists-more-inspiration-less-destination>