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The Domestic Terrorist Threat: Background and Issues for Congress

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Summary

The emphasis of counterterrorism policy in the United States since Al Qaeda's attacks of September 11, 2001 (9/11) has been on jihadist terrorism. However, in the last decade, domestic terrorists—*people who commit crimes within the homeland and draw inspiration from U.S.-based extremist ideologies and movements*—have killed American citizens and damaged property across the country. Not all of these criminals have been prosecuted under terrorism statutes. This latter point is not meant to imply that domestic terrorists should be taken any less seriously than other terrorists.

The Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) do not officially list domestic terrorist organizations, but they have openly delineated domestic terrorist "threats." These include individuals who commit crimes in the name of ideologies supporting animal rights, environmental rights, anarchism, white supremacy, anti-government ideals, black separatism, and anti-abortion beliefs.

The boundary between constitutionally protected legitimate protest and domestic terrorist activity has received public attention. This boundary is especially highlighted by a number of criminal cases involving supporters of animal rights—one area in which specific legislation related to domestic terrorism has been crafted. The Animal Enterprise Terrorism Act (P.L. 109-374) expands the federal government's legal authority to combat animal rights extremists who engage in criminal activity. Signed into law in November 2006, it amended the 1992 Animal Enterprise Protection Act (P.L. 102-346).

Five discussion topics in this report may help explain domestic terrorism's significance for policy makers:

- **Level of Activity.** Domestic terrorists have been responsible for orchestrating more than two-dozen incidents since 9/11, and there appears to be growth in anti-government extremist activity as measured by watchdog groups in the last several years.
- **Use of Nontraditional Tactics.** A large number of domestic terrorists do not necessarily use tactics such as suicide bombings or airplane hijackings. They have been known to engage in activities such as vandalism, trespassing, and tax fraud, for example.
- **Exploitation of the Internet.** Domestic terrorists—much like their jihadist analogues—are often Internet savvy and use the medium as a resource for their operations.
- **Decentralized Nature of the Threat.** Many domestic terrorists rely on the concept of *leaderless resistance.* This involves two levels of activity. On an operational level, militant, underground, ideologically motivated cells or individuals engage in illegal activity without any participation in or direction from an organization that maintains traditional leadership positions and membership rosters. On another level, the above-ground public face (the "political wing") of a domestic terrorist movement may focus on propaganda and the dissemination of ideology—engaging in protected speech.
- **Prison Radicalization.** Prison has been highlighted as an arena in which terrorist radicalization can occur. Some prison gangs delve into radical or extremist ideologies that motivate domestic terrorists, and in a number of instances, these ideologies are integral to fashioning cohesive group identities within prison

> walls. It must be reiterated, however, that even for gangs that exhibit these ideological dimensions, criminal enterprises such as drug trafficking—not radical beliefs—largely drive their activities.

Congress may choose to consider issues in three areas regarding the federal role in combating domestic terrorism. First is the issue of definitions. It is difficult to assess the scope of domestic terrorism because federal agencies use varying terms to describe it. Even more basically, there is no clear sense of how many domestic terrorist attacks have occurred or how many plots the government has foiled in recent years. Second, Congress may review the adequacy of domestic terrorism intelligence collection efforts. For intelligence gathering and program prioritization purposes, there is no standard set of intelligence collection priorities across federal agencies that can be applied to domestic terrorism cases. Also, there likely is no established standard for the collection of intelligence from state and local investigators—aside from suspicious activity reporting. Finally, it may be of value to explore how domestic terrorism fits into the Obama Administration's community outreach-driven strategy to quell terrorism-related radicalization in the United States. Congress may query the Administration on which brand of domestic terrorists it plans to focus on under the strategy and which local community groups it intends to engage regarding domestic terrorism issues.

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Introduction

Since the terrorist attacks of September 11, 2001 (9/11), domestic terrorists—*people who commit crimes within the homeland and draw inspiration from U.S.-based extremist ideologies and movements*[1]—have not received as much attention from federal law enforcement as their foreign counterparts inspired by Al Qaeda. This was not necessarily always the case. The FBI reported in 1999 that "[d]uring the past 30 years, the vast majority—but not all—of the deadly terrorist attacks occurring in the United States have been perpetrated by domestic extremists."[2]

The U.S. government reacted to 9/11 by greatly enhancing its counterterrorism efforts. This report discusses how *domestic* terrorists broadly fit into this new counterterrorism landscape, a terrain that in the last 10 years has been largely shaped in response to terrorists inspired by *foreign* ideologies. This report focuses especially on how domestic terrorism is conceptualized by the federal government and issues involved in assessing this threat's significance. Today (perhaps in part because of the government's focus on international terrorist ideologies), it is difficult to evaluate the scope of domestic terrorist activity. For example, federal agencies employ varying terminology and definitions to describe it. Also, domestic terrorism-related intelligence collection efforts have not necessarily received the same attention as similar efforts to counter foreign threats. Beyond these issues, the Obama Administration's community outreach-driven strategy to quell terrorism-related radicalization in the United States focuses on individuals inspired by Al Qaeda. How domestic terrorism fits into this strategy is unclear. Congress may opt to examine these and other issues related to domestic terrorism.

Domestic terrorists may not be the top federal counterterrorism priority, but they feature prominently among the concerns of some law enforcement officers. For example, in 2011, Los Angeles Deputy Police Chief Michael P. Downing included "black separatists, white supremacist/sovereign citizen extremists, and animal rights terrorists" among his chief counterterrorism concerns.[3] Also possibly contributing to domestic terrorism's secondary status as a threat, a large number of those labeled as domestic terrorists do not necessarily use traditional terrorist tactics such as bombings or airplane hijackings. Additionally, many domestic terrorists do not intend to physically harm people but rather rely on alternative tactics such as theft, trespassing, destruction of property, and burdening U.S. courts with retaliatory legal filings.

While plots and attacks by foreign-inspired homegrown violent jihadists have certainly earned more media attention, domestic terrorists have been busy as well. It is worth noting that in terms of casualties on U.S. soil, an act of domestic terrorism is second only to the events of 9/11.

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[1] This conceptualization of the term "domestic terrorism" is derived from a number of U.S. government sources detailed in this report. They are further discussed below. This report *will not* focus on homegrown violent jihadists. However, when referring to such actors, for this report, "homegrown" describes terrorist activity or plots perpetrated within the United States or abroad by American citizens, permanent legal residents, or visitors radicalized largely within the United States. "Jihadist" describes radicalized Muslims using Islam as an ideological and/or religious justification for belief in the establishment of a global caliphate—a jurisdiction governed by a Muslim civil and religious leader known as a caliph—via violent means. Jihadists largely adhere to a variant of Salafi Islam—the fundamentalist belief that society should be governed by Islamic law based on the Quran and follow the model of the immediate followers and companions of the Prophet Muhammad.

[2] Federal Bureau of Investigation, *Terrorism in the United States: 30 Years of Terrorism—A Special Retrospective Edition,* (2000) p. 16.

[3] Bill Gertz, "L.A. Police Use Intel Networks against Terror," *Washington Times,* April 11, 2011. See also Joshua D. Freilich, Steven M. Chermak & Joseph Simone Jr. "Surveying American State Police Agencies About Terrorism Threats, Terrorism Sources, and Terrorism Definitions," *Terrorism and Political Violence,* vol. 21, no. 3 (2009) pp. 450-475. Freilich, Chermak, and Simone found that domestic terrorist groups featured prominently among the concerns of U.S. state police officials.

Timothy McVeigh's bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, claimed 168 lives and injured more than 500 others. Some estimates suggest that domestic terrorists are responsible for carrying out dozens of incidents since 9/11, and there appears to be growth in anti-government extremist activity as measured by watchdog groups in the last several years. Much like their jihadist counterparts, domestic terrorists are often Internet savvy and use the medium as a resource for their operations. Prison has been highlighted as an arena that can foster terrorist radicalization, and white supremacy—a set of beliefs held by white supremacist extremists—has long played a role in the activities of several U.S. prison gangs. Sovereign citizen anti-government ideas (that have inspired some domestic terrorists) have also circulated in U.S. prisons.

Terrorists are typically driven by particular ideologies. In this respect, domestic terrorists are a widely divergent lot, drawing from a broad array of philosophies and worldviews. These individuals can be motivated to commit crimes in the name of ideas such as animal rights, white supremacy, and opposition to abortion, for example. However, the expression of these worldviews (minus the commission of crimes) involves constitutionally protected activity.

Aware of the lines between constitutionally protected speech and criminality, domestic terrorists often rope themselves off from ideological (above-ground) elements that openly and often legally espouse similar beliefs. In essence, the practitioners who commit violent acts are distinct from the propagandists who theorize and craft worldviews that could be interpreted to support these acts. Thus, terrorist lone actors (lone wolves) or isolated small groups (cells) generally operate autonomously and in secret, all the while drawing ideological sustenance—*not direction*—from propagandists operating in the free market of ideas.

This report provides background regarding domestic terrorists—detailing what constitutes the domestic terrorism threat as suggested by publicly available U.S. government sources.[4] It illustrates some of the key factors involved in assessing this threat and concludes by examining potential issues for Congress. This report does not discuss in detail either violent jihadist-inspired terrorism or the federal government's role in counterterrorism investigations. It is meant to be read in conjunction with CRS Report R41780, The Federal Bureau of Investigation and Terrorism Investigations; CRS Report R42553, *Countering Violent Extremism in the United States*; and CRS Report R41416, American Jihadist Terrorism: Combating a Complex Threat, which provide greater context in these areas.

Domestic Terrorism Defined

Two basic questions are key to understanding domestic terrorism. First, what exactly constitutes "domestic terrorism?" Answering this question is more complicated than it may appear. Some consider all terrorist plots occurring within the homeland as acts of domestic terrorism. According to this perspective, a bombing plot involving U.S. citizens motivated by a foreign terrorist group such as Al Qaeda constitutes domestic terrorism. While this conceptualization may be true at some level, a practical definition of domestic terrorism distilled from federal sources is much narrower. It suggests that domestic terrorists are Americans who commit ideologically driven crimes in the United States but lack foreign direction or influence—whether tactical or philosophical. This conceptualization excludes homegrown individuals directed or motivated by groups such as Al Qaeda. Second, what particular *groups* are considered domestic terrorist organizations? The U.S. government does not provide a precise, comprehensive, and public

[4] This report does not presume the guilt of indicted individuals in pending criminal cases.

answer to this question. Rather, in broad terms, the Department of Justice (DOJ) has identified a number of general *threats* that embody this issue.

What Is Domestic Terrorism?

In the most general statutory terms, a domestic terrorist engages in terrorist activity that occurs in the homeland. The Federal Bureau of Investigation (FBI, the Bureau) has lead responsibility for terrorism investigations at the federal level.[5]

The FBI generally relies on two fundamental sources to define domestic terrorism. First, the Code of Federal Regulations characterizes "terrorism" as including "the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."[6] Second, 18 U.S.C. Section 2331(5) more narrowly defines "domestic terrorism" and differentiates it from international terrorism and other criminal activity.[7] This definition comes from Section 802 of the USA PATRIOT Act (P.L. 107-56). According to 18 U.S.C. Section 2331(5), domestic terrorism occurs primarily within U.S. territorial jurisdiction, and domestic terrorism involves

> (A) ... acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
>
> (B) appear to be intended—
>
> > (i) to intimidate or coerce a civilian population;
> >
> > (ii) to influence the policy of a government by intimidation or coercion; or
> >
> > (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping....[8]

[5] 28 C.F.R. §0.85.

[6] Ibid.

[7] U.S. Congress, Senate Committee on Environment and Public Works, "Responses of John E. Lewis [then Deputy Assistant Director, Federal Bureau of Investigation] to Additional Questions from Senator Obama," *Eco-Terrorism Specifically Examining the Earth Liberation Front and the Animal Liberation Front*, 109th Cong., 1st sess., May 18, 2005, S. Hrg. 109-947 (Washington: GPO, 2007), p. 41. Hereinafter: Responses of John E. Lewis.

[8] 18 U.S.C. §2331(5).

Enforcement—Joint Terrorism Task Forces

Aside from the FBI, other federal agencies such as the Bureau of Alcohol Tobacco Firearms and Explosives (ATF) and the Internal Revenue Service (IRS) play a role in enforcement efforts to counter domestic terrorism. These agencies—as well as state and local law enforcement representatives—typically cooperate within the framework of Joint Terrorism Task Forces (JTTFs), multi-agency investigative units led by DOJ and the FBI across the country.[9]

JTTFs are teams of police officers, federal agents, analysts, linguists, SWAT experts, and other specialists who investigate terrorism and terrorism-related crimes. Seventy-one of the more than 100 JTTFs operated by DOJ and the FBI were created since 9/11. Over 4,400 federal, state, and local law enforcement officers and agents—more than four times the pre-9/11 total—work in them. These officers and agents come from more than 600 state and local agencies and 50 federal agencies.[10]

The FBI considers JTTFs "the nation's front line on terrorism."[11] They "investigate acts of terrorism that affect the U.S., its interests, property and citizens, including those employed by the U.S. and military personnel overseas."[12] As this suggests, their operations are highly tactical and can involve developing human sources (informants) as well as gathering intelligence to thwart terrorist plots. JTTFs also offer an important conduit for the sharing of intelligence developed from FBI-led counterterrorism investigations with outside agencies and state and local law enforcement.[13]

Additionally, there is a National JTTF, which was established in July 2002 to serve as a coordinating mechanism with the FBI's partners. Some 40 agencies are now represented in the National JTTF, which has become a focal point for information sharing and the management of large-scale projects that involve multiple partners.[14]

Toward a Narrower Definition

The definitions cited above are too broad to capture what the FBI specifically investigates as "domestic terrorism." Besides the statutory definitions regarding the crime of domestic terrorism, the FBI has historically emphasized particular qualities inherent to the *actors* who engage in domestic terrorism. According to the Bureau, domestic *terrorists* do not simply operate in the homeland, but they also *lack foreign direction*.[15] In fact, the Bureau's practical, shorthand definition of domestic terrorism is "Americans attacking Americans based on U.S.-based extremist ideologies."[16] The Department of Homeland Security (DHS) follows this construction.[17]

[9] Federal Bureau of Investigation, "Protecting America from Terrorist Attack: Our Joint Terrorism Task Forces."

[10] Ibid.

[11] Federal Bureau of Investigation, "Protecting America against Terrorist Attack: A Closer Look at Our Joint Terrorism Task Forces," May 2009.

[12] Brig Barker and Steve Fowler, "The FBI Joint Terrorism Task Force Officer," *The FBI Law Enforcement Bulletin*, vol. 77, no. 11 (November 2008), p. 13.

[13] Kevin Johnson, "FBI Issues More Top Secret Clearance for Terrorism Cases," USA Today, August 12, 2010; STRATFOR, A Decade of Evolution in U.S. Counterterrorism Operations, Special Report, December 2009; CRS Report RL33033, *Intelligence Reform Implementation at the Federal Bureau of Investigation: Issues and Options for Congress*.

[14] DOJ, "Joint Terrorism Task Force."

[15] James F. Jarboe, [then Domestic Terrorism Section Chief, Counterterrorism Division] Federal Bureau of Investigation, Testimony Before the House Resources Committee, Subcommittee on Forests and Forest Health, February 12, 2002. Hereinafter: Jarboe, Testimony.

[16] Federal Bureau of Investigation, "Domestic Terrorism in the Post-9/11 Era," September 7, 2009. Hereinafter: Federal Bureau of Investigation, "Domestic Terrorism."

[17] See Department of Homeland Security, "Domestic Terrorism and Homegrown Violent Extremism Lexicon," November 10, 2011. Hereinafter: Department of Homeland Security, "Domestic Terrorism and Homegrown."

Ambiguity Regarding "U.S.-Based Extremist Ideologies"

On the surface, the FBI's shorthand definition for domestic terrorism appears straightforward. However, there is inherent ambiguity to it. Namely, some of the "U.S.-based extremist ideologies" driving what the Bureau views as domestic terrorism have international roots and active followings abroad. The ideologies supporting eco-extremism and animal rights extremism (discussed below) readily come to mind, and people have long committed crimes in their names outside the United States.[18] At least in part, their origins lay in the United Kingdom. Nazism—with its German origins and foreign believers—is an element within domestic white supremacist extremism. Anarchism, the philosophy followed by anarchist extremists, also has long-standing European roots. The racist skinhead movement traces its origins abroad—to the United Kingdom—as well. It is unclear exactly what the FBI means when it emphasizes U.S.-based ideologies in its framing of domestic terrorism.

Factors Complicating the Descriptions of the Domestic Terrorism Threat

A few more issues make it hard to grasp the breadth of domestic terrorist activity in the United States. First, counting the number of terrorist prosecutions in general has been difficult in the post-9/11 period. Second, there may be some ambiguity in the investigative process regarding exactly when criminal activity becomes domestic terrorism. Third, the federal government appears to use the terms "terrorist" and "extremist" interchangeably when referring to domestic terrorism. It is unclear why this is the case. Finally, and most importantly, which specific *groups* are and should be considered domestic terrorist organizations? The U.S. government does not provide a public answer to this question. Rather, the federal government defines the issue in terms of "threats," not groups.

Counting Terrorism Cases

While statutory and practical federal definitions exist for "domestic terrorism," there is little clear sense of the scope of the domestic terrorist threat based on publicly available U.S. government information. Most broadly, it has been said that in much of the post-9/11 period, the federal courts and DOJ may have applied different parameters when sorting, counting, and categorizing *all types* of terrorist prosecutions—let alone domestic terrorism cases.[19] A 2009 study (critiqued by DOJ) found that the U.S. Federal District Courts, DOJ's National Security Division, and federal prosecutors rely on different criteria to determine whether or not specific cases involve terrorism at all.[20]

A bit more narrowly, in many instances, individuals considered to be domestic terrorists by federal law enforcement may be charged under non-terrorism statutes, making it difficult to grasp from the public record exactly how extensive this threat is. Regarding the prosecution of domestic

[18] See Gary A. Ackerman, "Beyond Arson? A Threat Assessment of the Earth Liberation Front," *Terrorism and Political Violence,* vol. 15, no. 4 (2003), pp. 155-156. Hereinafter: Ackerman, "Beyond Arson?"

[19] Transactional Records Access Clearinghouse (TRAC), *Who Is a Terrorist? Government Failure to Define Terrorism Undermines Enforcement, Puts Civil Liberties at Risk*, September 8, 2009, http://trac.syr.edu/tracreports/terrorism/215/. DOJ issued a press release that broadly challenged these findings and suggested that TRAC may have omitted certain statistics in its study. TRAC refuted these claims. For the interchange between DOJ and TRAC, see http://trac.syr.edu/tracreports/terrorism/219/.

[20] Ibid.

terrorism cases, DOJ has noted that, "[a]lthough we do have at least one specialized [federal] statute aimed at animal enterprise terrorism,[21] domestic terrorism cases often involve firearms, arson or explosive offenses; crimes relating to fraud; and threats and hoaxes."[22] In some instances, the crimes committed by people the FBI describes as domestic terrorism suspects do not violate federal law. When this occurs, the Bureau, "support[s] [its local] partners any way [it] can—sharing intelligence, offering forensic assistance, conducting behavioral analysis, etc."[23] *Thus, individuals considered domestic terrorists by federal law enforcement may not necessarily be federally charged as terrorists.*

Sifting Domestic Terrorism from Other Illegal Activity

It may not be possible for investigators to describe the criminal activity involved early in an investigation as domestic terrorism. In these instances, investigators can work toward clarifying the motives of the suspects involved.[24] Domestic terrorism cases differ from ordinary criminal activity in key ways. Most importantly, unlike ordinary criminals—who are often driven by self-centered motives such as profit and tend to opportunistically seek easy prey—domestic terrorists are driven by a cause or ideology.[25] If the motives involved eventually align with the definition laid out in 18 U.S.C. Section 2331(5), presumably the case becomes a domestic terrorist investigation. In some instances, ideologically motivated actors can also collaborate with profit-driven individuals to commit crimes.

To further cloud matters, another category of criminal activity, hate crime, may appear to involve ideological issues.[26] However, as described by one federal official, a "hate crime" "generally involve[s] acts of personal malice directed at individuals" and is missing the broader motivations driving acts of domestic terrorism.[27] For investigators, distinguishing between "personal malice" and ideologically motivated actions may be difficult in specific cases. This suggests that sorting domestic terrorism from hate crimes depends on the degree of a suspect's intent. Did the suspect articulate an ideology, belong to a domestic terrorist group, or follow an extremist movement? The grey area between domestic terrorism and hate crime hints that in some instances, suspects with links to domestic terrorist movements or ideologies supporting domestic terrorism may be charged with hate crimes.[28] It is unclear to what extent this influences how the government

[21] This likely refers to the Animal Enterprise Protection Act from 1992. In late 2006 shortly after the white paper's publication, this act was amended by the Animal Enterprise Terrorism Act.

[22] Department of Justice, *Counterterrorism White Paper*, June 22, 2006, p. 59. Hereinafter: Department of Justice, *White Paper*.

[23] Federal Bureau of Investigation, "Domestic Terrorism."

[24] Responses of John E. Lewis, pp. 41, 42.

[25] In some instances such as those involving white-supremacist prison gangs who espouse extremist beliefs, the profit motive may be paramount in their criminal activity. See Joshua D. Freilich, Steven M. Chermak, and David Caspi, "Critical Events in the Life Trajectories of Domestic Extremist White Supremacist Groups," *Criminology and Public Policy*, vol. 8, no. 3 (August 2009), p. 508. Hereinafter: Freilich, Chermak, and Caspi, "Critical Events." See also David Holthouse, "Smashing the Shamrock," *Intelligence Report*, Southern Poverty Law Center, Issue 119, (Fall 2005); Camille Jackson, "Nazi Low Riders," *Intelligence Report*, Southern Poverty Law Center, Issue 114, (Summer 2004).

[26] For more on hate crimes legislation, see CRS Report RL33403, *Hate Crime Legislation*, by William J. Krouse

[27] Responses of John E. Lewis, p. 41.

[28] While this discussion focuses on intent, domestic terrorists can exhibit additional traits that distinguish them from other offenders. For example, as part of their involvement in ideological movements, domestic terrorists often are exposed to more tactical training—in weapons, explosives, arson, reconnaissance, paramilitary discipline—than many more ordinary criminals. See Anti-Defamation League, *Guidebook on Extremism for Law Enforcement*, (2007), p. 9.

understands the threat posed by extremist movements that hold racist beliefs. If some individuals of this ilk commit crimes against police or judges, for example, is the government more apt to label this activity as terrorism while individuals sharing these same racist motivations but targeting ordinary citizens based on race, religion, disability, ethnic origin, or sexual orientation are charged with hate crimes?

The FBI's public description of the case of confessed would-be bomber Kevin Harpham exemplifies how difficult it may be to characterize acts as domestic terrorism. Initially the FBI viewed the case as domestic terrorism. In 2011, Harpham, allegedly motivated by white supremacist ideology, left a bomb—which never detonated—along the route of a parade in Spokane, WA, honoring Dr. Martin Luther King, Jr. The FBI's Northwest Joint Terrorism Task Force led the investigation.[29] In prepared public remarks framing the "current state of the terrorism threat" from April 2011, the FBI's Assistant Director for the Counterterrorism Division noted that Harpham's case was one of "several recent domestic terrorism incidents [that] demonstrate the scope of the threat."[30] Harpham eventually pled guilty to committing a federal hate crime and attempting to use a weapon of mass destruction.[31] Thereafter, the Bureau described the case as the successful prevention of a "horrific hate crime."[32]

Extremism vs. Terrorism

Another concept that muddies discussion of domestic terrorism is "extremism." The latter term is commonly applied to homegrown actors, whether they be domestic terrorists or adherents of ideologies forwarded by foreign groups such as Al Qaeda. National security expert Jonathan Masters has suggested that many law enforcement officials likely view "extremism" as largely synonymous with "terrorism."[33] Masters has also found that there is a "lack of uniformity in the way *domestic terrorist* activities are prosecuted" in the United States.[34] Presumably, using the term "extremist" allows prosecutors, policy makers, and investigators the flexibility to discuss terrorist-like activity without actually labeling it as "terrorism" and then having to prosecute it as such. This flexibility is certainly an asset to prosecutors. They can charge subjects of FBI domestic terrorism investigations under a wider array of statutes and, as a result, not describe the subjects publicly as terrorists. However, for policy makers this flexibility makes it hard to determine the scope of the domestic terrorist threat. One cannot get a clear sense of scope if some individuals are charged and publicly described as terrorists, others are discussed as extremists, and still others enter the public record only as criminals implicated in crimes not necessarily associated with terrorism, such as trespassing, arson, and tax fraud.

Hereinafter: Anti-Defamation League, *Guidebook*.

[29] Department of Justice, press release, "Attempted Bomber Arrested," March 9, 2011, http://seattle.fbi.gov/dojpressrel/pressrel11/se030911.htm.

[30] Mark F. Giuliano, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, prepared remarks delivered at the Washington Institute for Near East Policy, Stein Program on Counterterrorism and Intelligence, Washington, DC, April 14, 2011.

[31] Department of Justice, press release, "Attempted Bomber Pleads Guilty to Federal Hate Crime and Weapons Charge," September 7, 2011.

[32] Federal Bureau of Investigation, "MLK Parade Bomber," January 13, 2012; Department of Justice, press release, "Colville, Wash., Man Indicted for Federal Hate Crime in Attempted Bombing of the MLK Unity March," April 21, 2011.

[33] Jonathan Masters, *Militant Extremists in the United States*, Council on Foreign Relations, Washington, DC, February 7, 2011.

[34] Ibid.

What Is Extremism?

The FBI's public formulation of "extremism" suggests two components. First, extremism involves hewing to particular ideologies. Second, it also includes criminal activity to advance these ideologies.[35] Thus, according to this construction, an anarchist believes in a particular ideology—anarchism. An "anarchist extremist" is an anarchist who adopts criminal tactics.[36]

One scholar has indicated a similar bifurcation: First, extremism refers to an ideology outside a society's key values, and for liberal democracies, such ideologies "support racial or religious supremacy and/or oppose the core principles of democracy and human rights." Second, extremism can refer to the use of tactics that ignore the rights of others to achieve an ideological goal.[37]

"Homegrown Violent Extremists" Are Not Domestic Terrorists

The FBI and DHS have recently popularized the phrase "homegrown violent extremist" (HVE). It separates domestic terrorists from U.S.-based terrorists *motivated by the ideologies of foreign terrorist organizations*. (HVEs include some of the actors this report considers as "homegrown violent jihadists.") According to DHS and the FBI, a HVE is "a person of any citizenship who has lived and/or operated primarily in the United States or its territories who advocates, is engaged in, or is preparing to engage in ideologically-motivated terrorist activities (including providing support to terrorism) in furtherance of political or social objectives promoted by a foreign terrorist organization, but is acting independently of direction by a foreign terrorist organization."[38] According to the FBI and DHS, an HVE is not a domestic terrorist—they are two distinct categories of terrorist actors.[39]

The Lack of an Official Public List

The federal government does not generate an official *and* public list of domestic terrorist organizations or individuals.[40] The development of such a list may be precluded by civil liberties

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[35] Federal Bureau of Investigation, "Domestic Terrorism: Anarchist Extremism, A Primer," December 16, 2010. The focus of this piece, as the title suggests, is anarchist extremism, not necessarily defining the term "extremism." Hereinafter: Federal Bureau of Investigation, "Anarchist Extremism." This type of formulation—extremism consists of adherence to ideologies *and* criminal activity committed in the name of these ideologies—is replicated in the definitions provided within Department of Homeland Security, "Domestic Terrorism and Homegrown."

[36] Making things more complex, the broader concept of "violent extremism" has been used by the Obama Administration. According to the administration, "violent extremists" are "individuals who support or commit ideologically-motivated violence to further political goals." See *Empowering Local Partners to Prevent Violent Extremism in the United States,* August 2011, p. 1.

[37] Peter R. Neumann, *Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries*, International Centre for the Study of Radicalisation and Political Violence, London, 2010, p. 12. In its *Guidebook on Extremism for Law Enforcement,* Hereinafter: Neumann, *Prisons and Terrorism.* The Anti-Defamation League has defined extremists as: "people who subscribe to extreme ideologies." The group goes on to say, "*extreme* ideologies are those that promote world views so radical that most other people will not agree with them." See Anti-Defamation League, *Guidebook*, p. 3.

[38] This definition appears to differ from the conceptualization of "homegrown jihadists" used in this report by (1) only including individuals *not* directed by a foreign organization and by (2) including all sorts of terrorists motivated by foreign ideologies, not just violent jihadists. See Department of Homeland Security and Federal Bureau of Investigation, Joint Intelligence Bulletin, "Use of Small Arms: Examining Lone Shooters and Small-Unit Tactics," August 16, 2011, p. 3.

[39] Ibid.

[40] See Christopher Bellavita, "Does the U.S. Have Any Domestic Terrorist Groups?" *Homeland Security Watch,* June

concerns (i.e., inclusion in a publicly available list may impinge on a group's exercise of free speech or its other constitutionally protected activities). However, a lack of official lists or processes to designate groups or individuals as domestic terrorists makes it difficult to assess domestic terrorism trends and evaluate federal efforts to counter such threats. An unnamed DHS official cited in a news report stated that "unlike international terrorism, there are no designated domestic terrorist groups. Subsequently, all the legal actions of an identified extremist group leading up to an act of violence are constitutionally protected and not reported on by DHS."[41] Constitutionality aside, the lack of a list may also contribute to a certain vagueness in the public realm about which groups the federal government considers domestic terrorist organizations. While the government does not provide an official and public list of domestic terrorist organizations, it does include domestic terrorists (along with international terrorists) in its Terrorist Screening Database, commonly known as the "Terrorist Watchlist."[42]

The government is much less vague regarding foreign terrorist organizations. They are officially designated as such according to a well-established legally and procedurally proscribed regimen. According to the Department of State's Bureau of Counterterrorism, as of December 2013, the Secretary of State had designated 54 foreign terrorist organizations according to Section 219 of the Immigration and Nationality Act, as amended.[43]

Toward a Practical Definition: Threats Not Groups

As discussed above, DOJ and the FBI do not list domestic terrorist organizations publicly and officially. This may complicate the understanding that federal policy makers have of what exactly the government considers "domestic terrorism." While not naming specific *groups*, DOJ and the FBI have openly delineated domestic terrorist *threats*. DOJ has identified domestic terrorism threats to include criminal activity by "animal rights extremists, eco-terrorists, anarchists, anti-government extremists such as 'sovereign citizens' and unauthorized militias, [b]lack separatists, [w]hite supremacists, and anti-abortion extremists."[44]

29, 2010. Hereinafter: Bellavita, "Domestic Terrorist Groups." See also R. Jeffrey Smith, "Homeland Security Department Curtails Home-Grown Terror Analysis," *Washington Post*, June 7, 2011. Hereinafter: Smith, "Homeland Security." David E. Heller, "Designating Domestic Terrorist Individuals or Groups," (Master's Thesis, Naval Postgraduate School, 2010). Hereinafter: Heller, "Designating Domestic."

[41] Smith, "Homeland Security."

[42] Federal Bureau of Investigation, Terrorist Screening Center, "Frequently Asked Questions." See also Timothy J. Healy, Director, Terrorist Screening Center, Federal Bureau of Investigation, Statement before the House Judiciary Committee, Washington, DC, March 24, 2010; Bellavita, "Domestic Terrorist Groups."

[43] For the legal criteria used to designate a foreign terrorist organization, the legal ramifications of designation, and ancillary effects of designation see Department of State, "Foreign Terrorist Organizations," September 28, 2012. Hereinafter: Department of State, "Foreign Terrorist Organizations."

[44] Department of Justice, *White Paper*, p. 59. See also Federal Bureau of Investigation, "Domestic Terrorism." The FBI's domestic terrorism investigations likely cover these categories as well as lone wolves (lone offenders): extremists who commit crimes without the support of a formal organization or network. Some lone wolves are motivated by the ideologies behind the threats outlined by DOJ, but they can fashion their own ideologies as well. In the past, in the area of domestic terrorism, the FBI has distinguished between "special interest terrorism" and "traditional right-wing and left-wing terrorism: "Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other movements." It is unclear whether the FBI still uses the categories of "special interest," "left-wing," and "right-wing" terrorism. See Jarboe, Testimony.

The actors who constitute each of the domestic terrorist "threats" outlined by DOJ draw upon ideologies whose expression largely involves constitutionally protected activity. The FBI safeguards against cases focused solely on constitutionally protected activities. All FBI investigations have to be conducted for an authorized national security, criminal, or foreign intelligence collection purpose.[45] The purpose of an investigation may not be to solely monitor First Amendment rights.[46]

However, it is unclear how DOJ or the FBI arrive at their list of domestic terrorism threats. This poses at least two fundamental questions:

- How does a particular brand of dissent become ripe for description by DOJ and the FBI as driving a "domestic terrorism" threat?

  What criteria are involved in such a process?

  How many crimes or plots attributed to a specific ideology have to occur to stimulate the identification of a new extremist threat? Is the severity of the crimes linked to an ideology taken into consideration?

- At what point do ideologically driven domestic terrorism threats cease to exist?

  Should there be a means for public petitioning of the government to eliminate various threats as investigative priorities?

The below discussion of domestic terrorism threats does not necessarily presume the priority of one over the other.[47] It is also important to note that instances of animal rights extremism and eco-terrorism within the last dozen years are more readily available in the public record than cases involving other types of domestic terrorism. The extensive use of such examples in this report does not imply the prominence of animal rights extremism or eco-terrorism over other domestic terrorist threats.

Animal Rights Extremists and Environmental Extremists

The term "animal rights extremism" covers criminal acts committed in the name of animal rights.[48] Environmental extremism—most often referred to as "Eco-terrorism"—includes criminal acts committed in the name of the environment.[49] These terms are not applied to groups or individuals involved with environmental movements or animal welfare protection/rights activism within the "confines of civil society and the rule of law."[50]

Many of the crimes committed by both animal rights extremists and eco-terrorists are perpetrated by independent small cells or individuals who harass and intimidate their victims.[51] These cells or

[45] Federal Bureau of Investigation, *Domestic Investigations and Operations Guide*, redacted, October 15, 2011, p. 4-1 through p. 4-2.

[46] Ibid.

[47] The discussion lists the threats in the same order as found in Department of Justice, *White Paper*.

[48] Department of Homeland Security, "Domestic Terrorism and Homegrown."

[49] For the purposes of this report, "eco-terrorists," "eco-extremists," and "environmental extremists" are synonymous. These terms and "animal rights extremism" describe individuals engaged in criminal activity in the name of radical environmental ideologies or animal rights. It is unclear why environmental extremists are frequently dubbed "eco-terrorists" while animal rights extremists do not have a similar commonplace usage applied to them.

[50] See Kevin R. Grubbs, "Saving Lives or Spreading Fear: The Terroristic Nature of Eco-Extremism," *Animal Law*, vol. 16, no. 2 (2010), p. 353-57. Hereinafter: Grubbs, "Saving Lives."

[51] See Federal Bureau of Investigation, "Putting Intel to Work against ELF and ALF Terrorists," June 30, 2008.

lone actors engage in crimes such as vandalism, theft, the destruction of property, and arson. Most animal rights and eco-extremists also eschew physical violence directly targeting people or animals. Regardless, crimes committed by eco-terrorists and animal rights extremists have caused millions of dollars in property damage, and some have involved the intimidation and harassment of victims.[52] These two types of extremism are often discussed together, because the two broader radical *movements* from which they draw their philosophical underpinnings have similar beliefs and overlapping membership.

The two *movements*—the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF)—have the greatest reach among animal rights extremists and eco-terrorists. The ALF and the ELF are too diffuse to be called groups. Neither the ALF nor the ELF maintains formal rosters or leadership structures, for example.[53] However, each communicates a sense of shared identity and attracts people who commit crimes in its name. They achieve this via "above-ground" wings. Largely using websites, ALF and ELF supporters publish literature highlighting movement philosophies, tactics, and accounts (press releases) of recent movement-related criminal activity. Much of this involves protected speech and occurs in the public realm. Press releases allow "underground" extremists to publicly claim responsibility for criminal activity in the name of either movement while maintaining secrecy regarding the details of their operations. The ALF and the ELF do not work alone. Members of other entities such as Stop Huntingdon Animal Cruelty (SHAC) have committed crimes in the name of animal rights, for example.

Additional factors tangle our understanding of the ALF and the ELF. People can simultaneously participate in both. This may partly be true because the movements are so amorphous. The two movements also share similar agendas, and in 1993 they declared solidarity.[54] All of this can play out confusingly in the real world. For example, an individual can commit a crime and claim responsibility for it online in the name of *both* the ALF and the ELF. One case especially highlights intersections between the ALF and the ELF.

In late 2005 and early 2006, the FBI dismantled a network that, according to DOJ, committed violent acts in the name of both the ALF and the ELF. The group included about 20 individuals and called itself "the Family." It was reportedly responsible for at least 25 criminal incidents totaling approximately $48 million in damages in the late 1990s and early 2000s and disbanded at some point in 2001, due to law enforcement pressure on the group. The Family was responsible for an arson attack in 1998 at the Vail Ski Resort. Eight simultaneous fires damaged radio towers, ski lift towers, restaurants, and the ski patrol office at the Colorado site and totaled over $24 million in losses.[55]

Hereinafter: FBI, "Putting Intel."

[52] Ibid.

[53] Both the ALF and the ELF focus on criminal activity as central tenets of their philosophies or operational guidelines, and the FBI emphasizes that criminal activity is a key element in the identities of these movements. See FBI, "Putting Intel."

[54] U.S. Congress, Senate Committee on Environment and Public Works, "Statement of Carson Carroll, Deputy Assistant Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives," *Eco-Terrorism Specifically Examining the Earth Liberation Front and the Animal Liberation Front*, 109th Cong., 1st sess., May 18, 2005, S. Hrg. 109-947 (Washington: GPO, 2007), p. 43. Hereinafter: Statement of Carson Carroll.

[55] Federal Bureau of Investigation, "Operation Backfire: Help Find Four Eco-Terrorists," November 19, 2008; Department of Justice, press release, "Eleven Defendants Indicted on Domestic Terrorism Charges," January 20, 2006. Hereinafter: Department of Justice, "Eleven Defendants." See also *United States v. Joseph Dibee et al,* Sentencing Memorandum, CR 06-60069-AA, CR 06-60070-AA, CR 06-60071-AA, CR 06-60078-AA, CR 06-60079-AA, CR 06-60080-AA, CR 06-60120-AA, CR-06-60122-AA, CR-06-60123-AA, CR-06-60124-AA, CR-06-60125-AA, CR-

Philosophical Underpinnings

Both the ALF and the ELF rely on and borrow from a number of philosophical underpinnings to rationalize their beliefs and actions. These help forge a common identity among individuals in each movement. These ideas are also key principles professed by more mainstream animal rights or environmental activists engaged in legal protest.

The ALF: Animal Rights and Speciesism. The ALF's moral code includes the belief that animals possess basic inalienable rights such as life, liberty, and the pursuit of happiness, and this suggests that animals cannot be owned. According to the ALF, the U.S. legal system—which describes animals as property—is corrupt, and there exists a "higher law than that created by and for the corporate-state complex, a moral law that transcends the corrupt and biased statutes of the US political system."[56] Simply put, the rights of one species do not trump the rights of others. To suggest otherwise is to be prejudiced, according to animal rights adherents.

For the ALF and other animal rights supporters, the favoring of one species, particularly humans, over others has a name: speciesism. For the ALF, speciesism is a "discriminatory belief system as ethically flawed and philosophically unfounded as sexism or racism, but far more murderous and consequential in its implications."[57] Thus, the movement couches the theft or illegal release of animals used in research or for economic gain as "liberation." The ALF views the destruction of laboratory infrastructure or tools as the elimination of items used to enslave species who have the same rights as humans. Intimidation of scientists and employees of businesses tied to animal research or testing is rationalized as confrontation with "oppressors" or those who, in the eyes of movement adherents, abuse and murder animals.[58]

The ELF: An Ideological Mélange. Eco-terrorists are motivated by a mélange of environmental philosophies. There is no single formula for what constitutes the ideological makeup of an ELF follower, but several concepts likely play key roles in the movement. These are biocentrism, deep ecology, social ecology, and green anarchism. Biocentrism argues for the equality of all organisms.[59] Deep ecology suggests that all species are part of "the larger super-organism that is nature."[60] It criticizes industrialization and views modern human impact on the earth as negative and hearkens back to small communities centered on subsistence agriculture.[61] Social ecology suggests that hierarchical human society leads to social inequalities and environmental harm. Green anarchism ascribes environmental harm to civilization and domestication and embraces the

60126-AA, U.S. District Court, District of Oregon, May 4, 2007, pp. 6, 8, 19, 20-21. Hereinafter: *U.S. v. Dibee et al.*

[56] North American Animal Liberation Press Office, "History of the Animal Liberation Movement." Hereinafter: NAALPO, "History."

[57] Steven Best and Anthony J. Nocella, II, "Behind the Mask: Uncovering the Animal Liberation Front," in *Terrorists or Freedom Fighters? Reflections on the Liberation of Animals,* ed. Steven Best and Anthony J. Nocella, II (New York: Lantern Books, 2004), p. 24. Hereinafter: Best and Nocella, "Behind the Mask." Best reportedly advises NAALPO, see http://naalpo.posterous.com/our-task-new-essay-by-press-office-advisor-st. P. Michael Conn and James V. Parker, *The Animal Research War* (New York: Palgrave Macmillan, 2008), p. xix. Hereinafter: Conn and Parker, *The Animal*. See also NAALPO, "History" which excerpts Best and Nocella's work.

[58] NAALPO, "History."

[59] Stefan H. Leader and Peter Probst, "The Earth Liberation Front and Environmental Terrorism," *Terrorism and Political Violence,* vol. 15, no. 4 (Spring/Summer 2005), pp. 39-40. Hereinafter: Leader and Probst, "The Earth Liberation Front."

[60] Conn and Parker, *The Animal*, xx.

[61] Leader and Probst, "The Earth Liberation Front," pp. 39-40.

notion of "rewilding," or rejecting civilization and returning to a hunter-gatherer state to preserve one's natural surroundings.[62]

Anarchist Extremists

According to the FBI, anarchist extremists commit crimes in the name of anarchist ideals.[63] These ideals include belief that

> individual autonomy and collective equality are fundamental and necessary for a functional, civilized society. [Anarchism] resists the existing hierarchical structure of society that gives some people authority and control over others. [According to anarchists] authority imbues power, and power always is used in illegitimate and self-serving ways by those who have it.[64]

Anarchist extremists as well as anarchists engaging in constitutionally protected activity can oppose government, business, or social interests that they view as dangerous. As this suggests, anarchists advocate some form of revolution that realigns authority and power in the societies they desire to transform. However, adherents cannot agree to a single means for attaining revolutionary change.[65]

As one may assume, anarchist activity is decentralized. In fact, a basic, temporary organizational structure—the affinity group—likely plays a larger role in shaping the work of U.S. anarchists than any formal long-lasting entities or networks.[66] Affinity groups are "autonomous militant unit[s] generally made up of between five-to-twenty individuals who share a sense of the causes worth defending and the types of actions they prefer to engage in. The decision-making process is anarchist, that is to say, egalitarian, participatory, deliberative, and consensual."[67] An affinity group often consists of a circle of friends. The friends coalesce around a specific objective and break apart when they achieve their desired ends. Individual groups can band together in "clusters" and clusters can coordinate their efforts, if need be.[68] The ends can be legal or illegal, violent or non-violent, covert or open. These structures have a long history among anarchists, but other movements use them as well.[69] Also, anarchists can engage in what they call "black bloc" tactics. These involve secretive planning for public—often criminal—activity in which participants, typically dressed in black, act en-masse.[70] Adding to the sprawling nature of the anarchist movement, some adherents also participate in the ALF and the ELF. These three movements share general philosophical tenets such as opposition to globalization and capitalism.[71]

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[62] Sean Parson, "Understanding the Ideology of the Earth Liberation Front," *Green Theory and Praxis: The Journal of Ecopedagogy,* vol. 4, no. 2 (2008), pp. 54-58.

[63] Ibid.

[64] Randy Borum and Chuck Tilby, "Anarchist Direct Actions: A Challenge for Law Enforcement," *Studies in Conflict and Terrorism,* vol. 28, no. 3, (2005), p. 202. Hereinafter: Borum and Tilby, "Anarchist Direct Action."

[65] Ibid., p. 203.

[66] Ibid., p. 207.

[67] Francis Dupuis-Déri, "Anarchism and the Politics of Affinity Groups," *Anarchist Studies,* vol. 18, no. 1 (2010), p. 41. Hereinafter: Dupuis-Déri, "Anarchism."

[68] CrimethInc. Workers' Collective, *Recipes for Disaster: An Anarchist Cookbook,* (Olympia, WA: CrimethInc. Workers' Collective, 2004), pp. 28-34. Hereinafter: *Anarchist Cookbook.*

[69] Dupuis-Déri, "Anarchism," p. 43.

[70] *Anarchist Cookbook,* pp. 127-130.

[71] Borum and Tilby, "Anarchist Direct Action," p. 208.

The FBI has described anarchist extremists as typically being "event driven," meaning

> they show up at political conventions, economic and financial summits, environmental meetings, and the like. They usually target symbols of Western civilization that they perceive to be the root causes of all societal ills—i.e., financial corporations, government institutions, multinational companies, and law enforcement agencies. They damage and vandalize property, riot, set fires, and perpetrate small-scale bombings. Law enforcement is also concerned about anarchist extremists who may be willing to use improvised explosives devices or improvised incendiary devices.[72]

Anarchist extremists in the United States have been involved in illegal activity during mass protests surrounding events such as the 1999 World Trade Organization Ministerial Conference in Seattle, WA.

Anarchist extremists reportedly committed crimes during the 2008 Republican National Convention in St. Paul, MN.[73] To coordinate their protests during the convention, some anarchists formed what they called the "RNC Welcoming Committee" (RNCWC).[74] In September 2007, the RNCWC developed a plan to broadly organize the activities of affinity groups intending to disrupt the convention. Law enforcement infiltrated and undermined these efforts, arresting 800 people, including eight involved with the RNCWC.[75] Initially, in Minnesota state court, the eight "had been charged with felonies: first-degree damage to property and second-degree conspiracy to riot. Prosecutors added a more serious charge of conspiracy to riot in furtherance of terrorism, which was later dismissed."[76] Five of the eight pled guilty to gross misdemeanor charges in 2010. The others had all of the charges they faced dismissed.[77]

On April 30, 2012, five men who reputedly had anarchist sympathies were arrested for purportedly scheming to blow up a bridge near Cleveland, OH.[78] The plot was apparently timed to coincide with peaceful protest activity arranged by Occupy Cleveland, an offshoot of the Occupy Wall Street movement. Occupy Cleveland representatives have stated that the alleged would-be bombers "were in no way representing or acting on behalf of Occupy Cleveland."[79] An FBI sting operation led to the quintet's arrest.[80] Purportedly, the group relied on an undercover

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[72] Federal Bureau of Investigation, "Anarchist Extremism."

[73] Ibid. For information on reported anarchist criminal activity related to the 2008 Republican National Convention, see Department of Justice, press release, "Michigan Man Sentenced for Possessing Molotov Cocktails," March 10, 2009; Department of Justice, press release, "Texas Man Sentenced on Firearms Charges Connected to the Republican National Convention," May 21, 2009; Department of Justice, press release, "Austin, Texas Man Sentenced for Possessing Molotov Cocktails During the Republican National Convention," May 14, 2009. For information on a matter possibly related to the anarchist criminal activity at the 2008 convention, see James C. McKinley, Jr., "Anarchist Ties Seen in '08 Bombing of Texas Governor's Mansion," *New York Times*, February 22, 2011.

[74] For an archived version of the group's website see http://web.archive.org/web/20080907081250/http://www.nornc.org./.

[75] Pat Pheifer, "Guilty Pleas Close Book on '08 Convention Protests," *Minneapolis-St. Paul Star Tribune*, October 19, 2010. Hereinafter: Pheifer, "Guilty Pleas." See also Fred Burton and Scott Stewart, "The Lessons of St. Paul," *STRATFOR*, September 10, 2008.

[76] Pheifer, "Guilty Pleas."

[77] Ibid.

[78] Department of Justice, press release, "Five Men Arrested in Plot to Bomb Ohio Bridge," May 1, 2012. Hereinafter: Department of Justice, "Five Men." David Ariosto, "5 Arrested in Alleged Plot to Blow Up Cleveland-Area Bridge," *CNN*, May 1, 2012.

[79] Henry J. Gomez, "Bridge Bomb Plot: Suspects Were Active in Occupy Cleveland, Even As Movement Slowed to a Crawl," *Cleveland Plain Dealer*, May 2, 2012.

[80] Department of Justice, "Five Men."

FBI employee to supply them with two inert bombs that the conspirators believed were functional.[81]

Criminal acts involving anarchist extremists do not have to be event-driven. For example, DHS has noted that anarchist extremists had set fires at urban development project sites in Vancouver, Canada, and Seattle, WA, in 2013. Anarchist extremists are also suspected in a similar incident that occurred in Grand Rapids, MI in 2011.[82] These attacks followed instances of what DHS characterized as "lower-level criminal activity or mischief involving anarchist or 'anti-gentrification statements.'"[83] In another case that was not "event-driven," Joseph Konopka, the self-dubbed "Dr. Chaos," allegedly led a group of boys he called "The Realm of Chaos" in a series of crimes involving vandalism to radio and cell phone towers in the late 1990s and early 2000s. In 2002, he was arrested in Chicago for storing more than a pound of deadly cyanide powder in a passageway in a Chicago Transit Authority subway tunnel.[84] He had obtained the material (potassium cyanide and sodium cyanide) from an abandoned warehouse.[85] In 2002, Konopka pled guilty in federal court to possessing chemical weapons, and in 2005 he pled guilty to 11 felonies, including conspiracy, arson, creating counterfeit software, and interfering with computers in Wisconsin.[86]

White Supremacist Extremists

The term "white supremacist extremism" (WSE) describes people or groups who commit criminal acts in the name of white supremacist ideology. At its core, white supremacist ideology purports that the white race ranks above all others. WSE draws on the constitutionally protected activities of a broad swath of racist hate-oriented groups active in the United States ranging from the Ku Klux Klan to racist skinheads. Some of these groups have elaborate organizational structures, dues-paying memberships, and media wings. Additionally, many individuals espouse extremist beliefs without having formal membership in any specific organization.

A large proportion of white supremacists dualistically divide the world between whites and all other peoples who are seen as enemies.[87] Particular animus is directed toward Jews and African Americans. In fact, a common racist and revisionist historical refrain is that the civil rights movement succeeded only because Jews orchestrated it behind the scenes.[88]

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[81] Ibid. Four of the conspirators pled guilty "to conspiracy to use weapons of mass destruction, attempted use of weapons of mass destruction, and malicious use of an explosive device to destroy property used in interstate commerce." See Department of Justice, press release, "Three Men Sentenced to Prison for Roles in Plot to Bomb Ohio Bridge," November 20, 2012. A fifth was "convicted of conspiracy to use a weapon of mass destruction and other charges." See Kim Palmer, "'Anarchist' Convicted in Ohio Bridge Bomb Plot," *Reuters,* June 13, 2013.

[82] Department of Homeland Security, "Self-Identified Anarchist Extremists Target Urban 'Gentrification' Sites with Arson," July 23, 2013.

[83] Ibid.

[84] Juliet Williams, Federal appeals Court Overturns Dr. Chaos Conviction," *Associated Press,* May 31, 2005; Mike Robinson, "Federal Prosecutors Want 'Dr. Chaos' to Remain Locked Up," *Associated Press,* March 13, 2002; Meg Jones and Jesse Garza, "'Anarchist' Charged Over Cache of Cyanide," *Milwaukee Journal Sentinel,* March 12, 2002.

[85] "Man Pleads Guilty to Storing Cyanide," *Associated Press,* November 21, 2002.

[86] "Judge Sentences 'Dr. Chaos' to Prison for Damage to Wisconsin Power Systems," *Associated Press,* November 30, 2005.

[87] Chip Berlet and Stanislav Vysotsky, "Overview of U.S. White Supremacist Groups," *Journal of Political and Military Sociology*, vol. 34, no. 1 (Summer 2006), p. 13. Hereinafter: Berlet and Vysotsky, "Overview."

[88] Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus, and Giroux, 2009), p. 40. Hereinafter: Zeskind, *Blood and Politics.*

Scholars indicate that white supremacists believe in racial separation and that society discriminates against them. To them, whites have lost "ground to other groups and ... extreme measures are required to reverse the trend."[89] All of this has been encapsulated in a slogan known as the "Fourteen Words": "We must secure the existence of our race and a future for white children." This was coined by David Lane, a member of a violent terrorist group active in the 1980s. The Fourteen Words have been described as "the most popular white supremacist slogan in the world."[90]

Neo-Nazism and its obsession with Adolph Hitler and Nazi Germany is also a prominent component of white supremacist extremism in the United States.[91] The father of American neo-Nazism, George Lincoln Rockwell, became publicly active in the late 1950s. According to one scholar, Rockwell laid down three concepts that have shaped neo-Nazism ever since. For his followers, he reconfigured the racial notion of "white," broadening it beyond "Aryan" to include people of Southern and Eastern European descent. Additionally, Rockwell denied the Holocaust. He also encouraged tying neo-Nazism to religion, and some of his followers took up the obscure creed of Christian Identity.[92]

Conflict and Conspiracy

Aside from racial superiority, a dualistic view of the world, and neo-Nazism, at least two other broad concepts shape white supremacy in the United States. They are the inevitability of violent conflict, and a belief that conspiracies hostile to white supremacy shape the existing world.[93] It can be said that WSE broadly shares these concepts with the militia movement (discussed below).

The FBI has stated that white supremacists "commonly anticipate" waging war against their opponents.[94] For example, the inevitability of RAHOWA—an acronym for "racial holy war"—is a central tenet of the neo-Nazi Creativity Movement, which has its roots in the Church of the Creator, a racist group founded by Ben Klassen in 1973.[95] Klassen, who committed suicide in

[89] Rory McVeigh, "Structured Ignorance and Organized Racism in the United States," *Social Forces,* vol. 82, no. 3 (March 2004), pp. 898-899.

[90] Anti-Defamation League, *Guidebook,* p. 16. Lane died in 2007 while serving 190 years in prison for his involvement with a terrorist group named the Order. See "Founder of Terrorist Group Dies in Prison," *Terre Haute Tribune-Star,* May 29, 2007, http://tribstar.com/local/x1155692948/Founder-of-terrorist-group-dies-in-prison. Among other writings, Lane also drafted an influential racist ideological tract titled *The 88 Precepts*.

[91] Anti-Defamation League, *Guidebook,* p. 15.

[92] Fredrick J. Simonelli, "The Neo-Nazi Movement," Southern Poverty Law Center. See also Charles S. Clark, "An American Nazi's Rise and Fall," *American History,* vol. 40, no. 6 (February 2006), pp. 60-66; Simonelli, "The American Nazi Party," *Historian,* vol. 57, no. 3 (Spring 1995), pp. 553-566. A follower assassinated Rockwell in 1967. For information on Christian Identity, see Kevin Borgeson and Robin Valeri, *Terrorism in America* (Sudbury, MA: Jones and Bartlett, 2009), pp. 47-72; Martin Durham, "Christian Identity and the Politics of Religion," *Totalitarian Movements and Political Religions,* vol. 9, no. 1 (March 2008), pp. 79-91; Tanya Telfair Sharpe, "The Identity Christian Movement: Ideology of Domestic Terrorism," *Journal of Black Studies,* vol. 30, no. 4 (March 2000), pp. 604-623; Anti-Defamation League, "Christian Identity."

[93] Berlet and Vysotsky, "Overview," pp. 12-13 highlights dualism, conspiracism, and apocalypticism as key themes.

[94] The Bureau has noted that "warfare" is reflected in beliefs drawn from Christian Identity, the Creativity Movement, neo-Nazism, and Odinism. See Federal Bureau of Investigation, *White Supremacist Recruitment of Military Personnel since 9/11,* July 7, 2008, p. 4. Hereinafter: Federal Bureau of Investigation, *White Supremacist.*

[95] After Klassen's 1993 death, the Church of the Creator was revived in an altered form by Matt Hale. For more information see Southern Poverty Law Center, "Church of the Creator." See also Dobratz, "The Role," p. 290; and Federal Bureau of Investigation, *White Supremacist,* p. 4.

1993, argued that whites had no choice but to wage war against non-whites.[96] Likewise, some white supremacists use racism to interpret apocalyptic imagery from Norse mythology embodied in Odinism.[97] Most Odinists are not racists, however.[98]

Conspiracism has been defined as "the idea that most major historic events have been shaped by vast, long-term, secret conspiracies that benefit elite groups and individuals."[99] Conspiracy theories are not the province of a particular movement or group. Regardless, conspiracy theories can particularly shape the outlooks and actions of white supremacist extremists. Media sources have stated that Richard Poplawski—convicted of shooting and killing three Pittsburgh police officers in April 2009—believed that a Zionist conspiracy controlled government and major corporations in the United States.[100]

As in Poplawski's example, anti-Semitism plays a prominent role in the racist conspiracies of many white supremacists.[101] These people—as well as anti-government extremists—believe in something they call the Zionist Occupied Government (ZOG).[102] ZOG refers to the federal government, which adherents contend is "controlled or manipulated by international Jewish interests."[103] On its website, one WSE group has sold versions of a video game titled "ZOG's Nightmare." Gameplay involves shooting nonwhites while being chased by a police agency controlled by Jews.[104] Racists explain all sorts of personal or social grievances by invoking ZOG.[105] One scholar has described ZOG as

> an omnipresent and omnipotent cabal involving at its heart varying constellations of Jews, Illuminati, Freemasons, plutocrats, and multinational corporations. It operates through many social 'front' institutions, from the United Nations to Parent-Teacher Associations.... ZOG can be used to explain not only the existence of affirmative action, environmental pollution, and pornography but also why a certain individual made poor grades in school, lost his job, or seems unable to find a partner.[106]

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[96] Ben Klassen, "RAHOWA: The Fighting Slogan of the White Race," *Racial Loyalty,* no. 32 (February 1986).

[97] Federal Bureau of Investigation, *White Supremacist,* p. 4. Odinism has been defined as either a combination of old Norse religion and Christianity or a belief system that draws exclusively on Nordic mythology. See Jonathan White, "Political Eschatology: A Theology of Antigovernment Extremism," *The American Behavioral Scientist,* vol. 44, no. 6, (February 2001), p. 939.

[98] Berlet and Vysotsky, "Overview," p. 30.

[99] Berlet and Vysotsky, "Overview," p. 12. For more on conspiracy theories and terrorism see Jamie Bartlett and Carl Miller, *The Power of Unreason: Conspiracy Theories, Extremism, and Counter-Terrorism,* Demos, London, August 29, 2010. Barlett and Miller (p. 24.) suggest that conspiracy theories "are one of a number of factors that can lead to extremism, and can turn extremism to violence."

[100] Timothy McNulty, Paula Reed Ward and Sadie Gurman, "Jury Decides Poplawski Should Die for Killing 3 Officers," *Pittsburgh Post-Gazette,* June 28, 2011. Hereinafter: McNulty et al., "Jury Decides." See also Anti-Defamation League, "Richard Poplawski: The Making of a Lone Wolf," April 8, 2009. Hereinafter: Anti-Defamation League, "Richard Poplawski." Sean D. Hamill, "Man Accused in Pittsburgh Killings Voiced Racist Views Online," *New York Times*, April 7, 2009. Hereinafter: Hamill, "Man Accused."

[101] Berlet and Vysotsky, "Overview," p. 13.

[102] Also seen as "Zionist Occupation Government."

[103] Institute for Intergovernmental Research, *Investigating Terrorism,* p. 93; Mattias Gardell, *Gods of the Blood: The Pagan Revival and White Separatism* (Durham, NC: Duke University Press, 2003), pp. 11, 54, 68-69. Hereinafter: Gardell, *Gods.*

[104] Anti-Defamation League, *The National Socialist Movement*.

[105] Gardell, *Gods, p. 68.*

[106] Ibid.

According to adherents, ZOG is said to control the media, arts, religion, science, and education.[107]

Loss of Prominent Leaders

In the 1980s and 1990s, a small number of figures dominated white supremacist circles. They were intimately linked to their own relatively cohesive organizations. By the early 2000s, these groups fragmented as they lost their leaders. This fragmented situation likely persists. In fact, one study from 2006 has described "a recent crisis of leadership in the hate movement."[108]

Two particularly well-known white supremacist figures died in the last decade. William Pierce, head of the National Alliance, died in 2002. Richard Butler, leader of Aryan Nations, died in 2004. Both Pierce and Butler articulated clear ideologies that attracted followers and drew upon resources such as rural headquarters/compounds to sustain their organizations.[109] By the early 2000s, the National Alliance even had a substantial revenue stream estimated at $1 million annually generated from a publishing company and record labels it owned as well as dues.[110] The deaths of Butler and Pierce exacerbated the downfall of both organizations. The decline of these groups also resulted from a number of other forces, such as infighting among members and pressure from law enforcement and watchdog groups.[111]

Two prominent white supremacist movements are discussed below.

National Socialist Movement (NSM)

One white supremacist organization active in the United States is the National Socialist Movement (NSM). It has benefitted from the decline of these other groups as well as new leadership in the form of Jeff Schoep.[112] The NSM also capitalized on the expansion of the Internet in the early 2000s. The group, which emerged in 1974, is a descendant of the American Nazi Party, and until the 1990s and early 2000s "it operated only on the fringes of the neo-Nazi movement."[113] As of 2008, the group had around 500 members and close associates throughout the United States.[114] The NSM is flexible about membership, allowing its members to also participate in other white supremacist organizations.[115]

Individuals allegedly tied to the NSM at some point in their lives have run afoul of the law.

- In Minnesota in April 2012, Joseph Benjamin Thomas was indicted on drug-related charges, and Samuel James Johnson was indicted on weapons-related charges. Purportedly the two were tied to NSM—at one point Johnson had served as its leader in Minnesota. The duo had reportedly formed their own white supremacist group, gathering weapons and ammunition and planning to attack

[107] Ibid.

[108] Jack Levin, *Domestic Terrorism* (New York: Infobase Publishing, 2006), pp. 48-49.

[109] Freilich, Chermak, and Caspi, "Critical Events," 511.

[110] Ibid., pp. 512, 513.

[111] Ibid., p. 516.

[112] Anti-Defamation League, *American Stormtroopers: Inside the National Socialist Movement,* (2008), p. 3. Hereinafter: Anti-Defamation League, *American Stormtroopers.*

[113] Ibid.

[114] Ibid.

[115] Southern Poverty Law Center, "National Socialist Movement."

the government and other targets.[116] In June 2012, Johnson pled guilty to "one count of being a felon in possession of firearms."[117] In July 2012, Thomas pled guilty to "possession with intent to distribute more than 50 grams of high-purity methamphetamine."[118]

- William White, a onetime member of the NSM and founder of his own white supremacist organization, has faced charges in several criminal cases. In December 2013, DOJ announced an indictment of White that included "five counts of making threats in aid of extortion over the Internet and one count of the unlawful use of identification information in furtherance of those offenses."[119] He allegedly threatened a Florida judge, a state attorney, and an FBI agent, with kidnapping, torture, rape, and murder. DOJ claims that White included the families of these individuals in his threats. The officials that White threatened had been involved in prosecuting suspects tied to the American Front, a white supremacist organization in Florida. White apparently hoped that his threats would somehow secure the release of the American Front suspects.[120] In January 2011, White was convicted[121] of soliciting violence online against the jury foreman in *U.S. v. Matthew Hale*.[122] In April 2011, a federal judge reversed White's conviction. Upon appeal, the conviction was reinstated.[123] In an unrelated case, in December 2009, White was convicted of four counts of communicating threats in interstate commerce and one count of witness intimidation. One of the convictions for communicating threats in interstate commerce was later reversed.[124] The witness intimidation charges involved White

[116] Department of Justice, press release, "Mendota Heights Man Indicted for Distributing Methamphetamine," April 27, 2012; Department of Justice, press release, "Austin Felon Indicted for Possessing Firearms," April 27, 2012; Amy Forliti, "Affidavit: 2 Men With Supremacist Ties Had Weapons," *Associated Press,* April 27, 2012.

[117] Department of Justice, press release, "Austin Felon Pleads Guilty to Possessing an Assault Rifle," June 6, 2012.

[118] Department of Justice, press release, "Mendota Heights Man Pleads Guilty to Possessing Methamphetamine," July 11, 2012.

[119] Department of Justice, press release, "White Supremacist Charged with Sending Online Threatening Communications to a Florida Judge, State Attorney, and Task Force Agent," December 11, 2013.

[120] Ibid.

[121] Department of Justice, press release, "Self-Proclaimed White Supremacist William White Convicted of Soliciting Violence Against Hale Jury Foreman," January 5, 2011.

[122] Matthew Hale was convicted of soliciting the murder of U.S. District Judge Joan Humphrey Lefkow. In the mid 1990s, Hale revived the Church of the Creator fortunes. He changed the organization's name to the World Church of the Creator, and according to a watchdog group, by 2002 it had more chapters in the United States than any other neo-Nazi organization. Judge Lefkow had originally ruled in favor of Hale in a trademark infringement case involving the name "World Church of the Creator." Her ruling was reversed on appeal, and as a result, she had to enforce the higher court's reversal. Via email and during a conversation, Hale discussed with his security chief the idea of killing Lefkow. Hale did not know that his security chief was an FBI informant. In 2003, Hale was arrested for soliciting the murder of Judge Lefkow, and this, as well as his subsequent conviction on charges related to the case, hastened a downturn in fortune for his World Church of the Creator. Hale is serving a 40-year prison term. After another name change, the group—currently known simply as the Creativity Movement—shows signs of revival under new leadership. See Michael, *Theology of Hate,* pp. 120-133, 173-188; Southern Poverty Law Center, "Creativity"; Chris Dettro, "Follow-Up File: White Supremacist Finds Quiet Life in Prison," *The State Journal-Register,* Springfield, Il, October 25, 2010; Larry Keller, "From the Ashes," *Intelligence Report,* Southern Poverty Law Center, no. 140 (winter 2010), pp. 12-14; Federal Bureau of Investigation, "A Different Breed of Terrorist," June 6, 2004.

[123] Department of Justice, press release, "White Supremacist William White Sentenced to 42 Months in Prison for Soliciting Violence Against Hale Jury Foreman," February 20, 2013; Laurence Hammack, "Judge Tosses William A. White Verdict," *The Roanoke Times,* April 20, 2011.

[124] Department of Justice, press release, "Roanoke, Virginia Neo-Nazi Sentenced for Threats, Witness Intimidation,"

reportedly attempting to "delay or prevent the testimony" of African Americans in a discrimination case.[125] According to publicly available information, in 2005 and 2006 White was involved with NSM, for a time serving as its national spokesman.[126] His activity with NSM ceased after he had a falling out with Schoep.[127]

Racist Skinheads

In the United States, racist skinheads have a legacy stretching back to the early 1980s.[128] However, skinhead culture originated in the United Kingdom in the late 1960s and today has a global reach.[129] Since the early 2000s, the movement in the United States has been characterized by a proliferation of regional groups or crews rather than a united core organization.[130] In law enforcement circles, racist skinheads have a reputation for violence. This is "reinforced by hate-filled white power music and literature." "[T]hey foster [their reputed toughness] through their appearance (shaved heads or close-cropped hair, white power tattoos) and dress (bomber jackets, 'braces' (suspenders), steel-toed boots.)"[131]

Skinheads emerged as a non-racist movement among British working-class youth in the late 1960s. These early skinheads rejected the hippie lifestyle and embraced elements of Jamaican culture, particularly reggae and ska music. As immigration from South Asia to the UK grew, some white British skinheads embraced racism and neo-Nazism. This racist skinhead variant of the subculture materialized in the U.S. Midwest and in Texas in the early 1980s.[132]

In the mid-1990s, many U.S.-based racist skinhead groups allied with one another to form the Hammerskin Nation (HSN). HSN eventually developed chapters throughout the United States and in Europe. It had its own annual meeting/concert called Hammerfest, ran a record label, and had a publishing company. In the early 2000s, other groups such as the Outlaw Hammerskins, Hoosier State Hammerskins, and Ohio State Skinheads challenged HSN for preeminence. These groups saw HSN as "elitist."[133] In 2011, by one measure, 133 skinhead groups were active in the United States.[134]

April 14, 2010.

[125] Ibid. See also Laurence Hammack, "Former Neo-Nazi Leader Gets 3 More Months in Prison," October 23, 2012.

[126] Laurence Hammack, "White's Life on Fringe Puts Him at Center of Storm," *The Roanoke Times*, July 26, 2009.

[127] Ibid; Southern Poverty Law Center, "Bill White," 2011. For other cases involving individuals allegedly tied to NSM, see Department of Justice, press release, "Valley Man Enters Guilty Plea for Possession and Transport of an Improvised Explosive Device," September 27, 2011; Department of Justice, press release, "Valley Man Indicted for Possessing and Transporting Improvised Explosive Devices," January 26, 2011, http://phoenix.fbi.gov/dojpressrel/pressrel11/px012611.htm; Rudabeh Shahbazi, "Documents Show Apache Junction Man Planned To Take IEDs to the Border," *ABC 15*; Federal Bureau of Investigation, "Domestic Terrorism: Tip Leads to Sting, Prison for Plotter," November 29, 2006.

[128] Southern Poverty Law Center, *Skinheads in America: Racists on the Rampage*, p. 3. Hereinafter: Southern Poverty Law Center, *Skinheads*.

[129] Ibid.

[130] Ibid., p. 13; Federal Bureau of Investigation, *Rage and Racism*, p. 8.

[131] Federal Bureau of Investigation, *Rage and Racism*, pp. 5-6.

[132] Michael R. Ronczkowski, *Terrorism and Organized Hate Crime: Intelligence Gathering, Analysis, and Investigations*, 2nd ed. (Boca Raton, FL: CRC Press, Taylor and Francis Group, 2007), pp. 40-41. Hereinafter: Ronczkowski, *Terrorism*. Southern Poverty Law Center, *Skinheads*, pp. 3-4.

[133] Southern Poverty Law Center, *Skinheads*, p. 5.

[134] See Mark Potok, "The Year in Hate and Extremism," *Intelligence Report*, Southern Poverty Law Center, no. 145

In January 2010, the FBI released a bulletin that, among other things, emphasized that some racist skinheads formed the most violent segment of WSE adherents.[135] This supported the findings in a 2008 FBI assessment.[136] Between 2007 and 2009, skinheads were involved in 36 of the 53 violent incidents the FBI identified in the United States as being tied to WSE proponents.[137] The Bureau has stated that "violence is an integral part of the racist skinhead subculture."[138] Elements within the fractious movement even target one another.[139] These criminal acts are typically unrehearsed and opportunistic, targeting nonwhites and "other religious and social minorities."[140]

An apparent recent exception involved greater levels of planning. One man was convicted and two others pled guilty in a Connecticut case that involved the illegal sale of firearms and homemade grenades. The scheme included multiple meetings between late 2008 and early 2010 to negotiate the transactions, prepare the firearms, and assemble the grenades. The trio was tied to a skinhead group known as Battalion 14 (originally called the Connecticut White Wolves). They sold the weapons to a convicted felon working as an FBI cooperating witness. The informant posed as a member of the Imperial Klans of America, a Ku Klux Klan organization. Two others in the case, including the leader of Battalion 14 and a man not tied to the group, were acquitted of charges.[141]

Anti-Government Extremists

As mentioned above, DOJ considers both unauthorized militias and sovereign citizens as anti-government extremists. *Neither militia membership nor advocacy of sovereign citizen tenets makes one a terrorist or a criminal*. However, in some instances both militia members and sovereign citizens have committed crimes driven in part by their ideologies.

Militia Extremists

The militia movement emerged in the 1990s as a collection of armed, paramilitary groups formed to stave off what they perceived as intrusions of an invasive government.[142] Central to this is a fear of firearm confiscation by a federal government thought to be out of control. Some adherents

(Spring 2012), p. 46. Hereinafter: Potok, "The Year." Potok notes that this count of skinhead groups "understates their numbers" because "skinheads are migratory and often not affiliated with groups."

[135] Federal Bureau of Investigation, *White Supremacist Extremist Violence Possibly Decreases But Racist Skinheads Remain the Most Violent,* January 28, 2010. Hereinafter: Federal Bureau of Investigation, *White Supremacist Extremist Violence.*

[136] Federal Bureau of Investigation, *Rage and Racism: Skinhead Violence on the Far Right,* December 10, 2008. Hereinafter: Federal Bureau of Investigation, *Rage and Racism.*

[137] Federal Bureau of Investigation, *White Supremacist Extremist Violence,* p. 4.

[138] Federal Bureau of Investigation, *Rage and Racism,* p. 5.

[139] Southern Poverty Law Center, *Skinheads,* pp. 5, 16.

[140] Federal Bureau of Investigation, *Rage and Racism,* p. 5.

[141] Department of Justice, press release, "Milford Man Sentenced to 10 Years in Prison for Making Grenades and Selling Guns Intended for White Supremacist Group," May 5, 2011, http://newhaven.fbi.gov/dojpressrel/pressrel11/nh050511.htm; Michael P. Mayko, "Two Acquitted in White Wolves Conspiracy Case," *Connecticut Post,* December 2, 2010; Michael P. Mayko, "White Wolves Called 'Home Grown Terrorists,'" *Connecticut Post,* November 16, 2010; Anti-Defamation League, "Connecticut White Supremacists Indicted on Firearms and Explosives Charges," March 24, 2010. For another case allegedly involving racist skinheads, see Amy Pavuk and Henry Pierson Curtis, "Details Emerge in Osceola Skinhead Race-War Case," *Orlando Sentinel,* May 8, 2012.

[142] Institute for Intergovernmental Research, *Investigating Terrorism and Criminal Extremism: Terms and Concepts*, Version 1.0, (Tallahassee, Florida: Institute for Intergovernmental Research, 2005), p. 49; Hereinafter: Institute for Intergovernmental Research, *Investigating Terrorism.*

also believe in anti-Semitic and racist ideologies.[143] Regardless, most militia members engage in constitutionally protected activity.

Militia groups typically coalesce around a specific leader. Groups can run training compounds where they rehearse paramilitary tactics, practice their survival skills, and receive weapons instruction and lessons in movement ideology. Some militia groups also maintain websites for recruitment and fundraising.[144] Extremists within the movement who run afoul of law enforcement "tend to stockpile illegal weapons and ammunition, trying illegally to get their hands on fully automatic firearms or attempting to convert weapons to fully automatic. They also try to buy or manufacture improvised explosive devices."[145]

Segments of the militia movement believe that the U.S. government is either run by some hidden conspiracy or is an overreaching sham. Some see a "New World Order" controlling U.S. institutions such as the media and the federal government. They contend that this is partly fostered by international organizations such as the United Nations. From this perspective, these organizations sap American sovereignty. Some militia supporters believe that agents of an un-authentic "Shadow Government" are interested in seizing lawfully owned firearms as part of a plan to undermine democracy.[146] Importantly, others in the militia movement hold that the federal government has overstepped its constitutional bounds.[147] One scholar has noted that some militia members assert that they have "the right to organize, purchase and use firearms, and enforce the law against agents of the government who behave unconstitutionally."[148]

A small minority of Americans who held anti-government fears formed militias largely in response to two incidents in the early 1990s. These were confrontations between federal law enforcement and private citizens at Ruby Ridge, ID, and at a site near Waco, TX.[149] Both involved warrants related to firearms violations.

- In August 1992, Randy Weaver and his family were engaged in an 11-day standoff with federal law enforcement agents. Randy Weaver had failed to appear in court on firearms-related charges in 1991. Subsequently, an unsuccessful operation to arrest Weaver led to the death of his 14-year-old son and a U.S. Marshal. It also precipitated the standoff. During the standoff, Weaver and a friend were shot and wounded. An FBI sniper also shot and killed Weaver's wife, Vicki.[150] Weaver was eventually found guilty of failing to appear in court on the

[143] Arizona Counter-Terrorism Information Center, "Sovereign Citizens and Militia Information," August 19, 2008, p. 1.

[144] Lane Crothers, "The Cultural Foundations of the Modern Militia Movement," *New Political Science*, vol. 24, no. 2 (2002), p. 231. Hereinafter: Crothers, "The Cultural."

[145] Federal Bureau of Investigation, "Domestic Terrorism: Focus on Militia Extremism," September 22, 2011.

[146] Lane Crothers, *Rage on the Right: The American Militia Movement from Ruby Ridge to Homeland Security* (Lanham, MD: Rowman and Littlefield, 2003), p. 57. Hereinafter: Crothers, *Rage on the Right.*

[147] Crothers, "The Cultural," pp. 226-228.

[148] Ibid., p. 228.

[149] Ibid., pp. 230-231. See also Michael Barkun, "Appropriated Martyrs: The Branch Davidians and the Radical Right," *Terrorism and Political Violence*, vol. 19, no. 1 (2007), p. 120. Hereinafter: Barkun, "Appropriated Martyrs." See also Steven M. Chermak, *Searching for a Demon: The Media Construction of the Militia Movement,* (Boston: Northeastern University Press, 2002).

[150] Stuart A. Wright, *Patriots, Politics, and the Oklahoma City Bombing* (New York: Cambridge University Press, 2007), pp. 142-148. Hereinafter: Wright, *Patriots.* Weaver has been described as a survivalist who believed in the Christian Identity religion. See Barkun "Appropriated Martyrs," p. 118. He has also been described as holding white supremacist beliefs and was not a militia member. See Crothers, *Rage on the Right*, pp. 78-79.

gun charges that played a role in the standoff. In October 1993, he was sentenced to 18 months in jail and a $10,000 fine. In 1995, Weaver received a $3.1 million settlement in a wrongful death suit filed against the U.S. government.[151] The events at Ruby Ridge helped precipitate the militia movement, whose members tend to view Randy Weaver as a hero and demonize the federal government.[152]

- The militia movement also emerged because of the 51-day standoff between federal law enforcement and a religious sect named the Branch Davidians near Waco.[153] On February 28, 1993, an unsuccessful attempt by ATF agents to arrest the sect's leader, David Koresh, initiated the events near Waco. He was wanted on suspicion of federal firearms and explosives violations.[154] Four ATF agents and six Branch Davidians died in a gunfight during the operation.[155] Protracted discussions followed between federal negotiators and Koresh. These failed. On April 19, federal agents assaulted the Davidian compound, which caught on fire. At least 75 Branch Davidians perished in the assault.[156]

If the incidents involving the Weavers and the Branch Davidians helped form the militia movement, Timothy McVeigh's bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, helped usher in a temporary decline.[157] In the bombing's aftermath, militia groups received greater law enforcement scrutiny.[158] The bombing claimed 168 lives, and until 9/11 was the largest single act of terrorism on U.S. soil. The militia movement included 441 groups in 1995. By 2000, this number was reportedly down to 72.[159] Although McVeigh's bombing cannot fully account for a dip in militia activity, it impacted the movement by causing some groups to temper their rhetoric while others grew more extreme, and militias became more marginalized.[160]

The militia movement has experienced a recent resurgence. One watchdog group has attributed this partly to a rise in anti-government anger since 2008.[161] According to another organization, the number of militias in the United States jumped from 42 in 2008 to a recent high of 334 in 2011 (see **Figure 1**). This resurgence may exhibit a key difference from its precursor. Social networking websites have encouraged looser organization of smaller, largely web-based cells.[162]

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[151] Crothers, *Rage on the Right,* p. 90.

[152] Wright, *Patriots,* pp. 149-152; Crothers, *Rage on the Right,* pp. 92-97; Barkun, "Appropriated Martyrs," pp. 120-121.

[153] Crothers, *Rage on the Right,* p. 104.

[154] Department of Justice, *Report to the Deputy Attorney General on the Events at Waco, Texas,* October 8, 1993. The Branch Davidian sect emerged from the Seventh-Day Adventist Church and was formed in 1929. The two severed official ties with one another in 1934. David Koresh was not a militia member. See Crothers, *Rage on the Right,* pp. 100-101.

[155] Crothers, *Rage on the Right,* p. 105.

[156] Crothers, *Rage on the Right,* p. 110.

[157] McVeigh was not a militia member, but he interacted with others who were.

[158] Devlin Barett and Eileen Sullivan, "FBI Sees Little Chance of Copycat Militia Plots," *Associated Press,* March 31, 2010.

[159] Potok, "The Year," p. 42.

[160] Crothers, *Rage on the Right,* p. 138, 147.

[161] Anti-Defamation League, *Rage Grows in America: Anti-Government Conspiracies, the Resurgence of the Militia Movement,* November 16, 2009.

[162] Ibid.

Several examples highlight how some militia adherents have allegedly engaged in criminal activity since 9/11.

- In November 2011, the FBI arrested four retirees, Samuel J. Crump, Ray H. Adams, Dan Roberts, and Frederick W. Thomas, who allegedly formed a fringe militia group and planned violent attacks on government officials. The group, based in northern Georgia, purportedly had ties to an unnamed militia organization. According to DOJ, the quartet "discussed multiple criminal activities, ranging from murder; theft; manufacturing and using toxic agents; and assassinations in an effort to undermine federal and state government and to advance their interests."[163] Between June and November 2011, Roberts and Thomas met with an FBI undercover agent to negotiate the purchase of matériel for the plot: "a silencer for a rifle and conversion parts to make a fully automatic rifle, as well as explosives."[164] In October, plotters reportedly discussed making ricin, a deadly poison derived from castor beans.[165] In April 2012, Roberts and Thomas pled guilty to conspiring to obtain an unregistered explosive device and silencer.[166] Crump and Adams were found guilty of "conspiring to make ricin to be used as a weapon in January 2014. Also, they were found guilty of one count each of possessing a biological toxin for use as a weapon." Adams was acquitted of "attempting to develop, produce and possess a biological toxin."[167]
- In June 2012, three individuals were found guilty in Anchorage, AK of conspiracy and firearms charges related to a scheme purportedly led by Francis "Schaeffer" Cox.[168] He and his followers allegedly plotted "a potential retaliatory response to any attempt by law enforcement to arrest Cox, who had an outstanding bench warrant for not attending a trial over a misdemeanor weapons charge."[169] They were members of the Alaska Peacemaker's Militia based in Fairbanks, AK, and also held sovereign citizen beliefs. The plotters supposedly codenamed their plan "241 (two for one)," because they reputedly intended to kill two government officials for every militia member killed in the operation.[170]

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[163] Department of Justice, press release, "North Georgia Men Arrested, Charged in Plots to Purchase Explosives, Silencer and to Manufacture a Biological Toxin," November 1, 2011.

[164] Ibid.

[165] Craig Schneider, "Documents: Men with Castor Beans, Guns Worried about Getting Caught," *Atlanta Journal-Constitution,* November 6, 2011.

[166] Department of Justice, press release, "North Georgia Men Plead Guilty to Plot to Purchase Explosives and a Silencer," April 10, 2012.

[167] Kate Brumback, "Jury Finds 2 Georgia Men Guilty in Ricin Plot," *Associated Press,* January 17, 2014.

[168] Department of Justice, press release, "Guilty Verdicts in USA v. Cox, Barney, and Vernon," June 19, 2012.

[169] Department of Justice, press release, "Superseding Indictment Returned by Federal Grand Jury Against Fairbanks-Area Men for Conspiracy to Kill Federal Officers," January 23, 2012; Sam Friedman, "Details Emerge in Alleged Plot to Kill Alaska State Troopers, Judge," *Fairbanks Daily News-Miner,* March 3, 2011. Cox has also been described as a sovereign citizen (discussed below). See Sam Friedman, "The Schaeffer Cox File: The Trail of a Young Man," *Fairbanks Daily News-Miner,* April 10, 2011. For a related case see Department of Justice, press release, "Salcha Couple Pleads Guilty to Conspiracy to Murder Federal Officials," August 27, 2012; Department of Justice, press release, "Couple Charged with Conspiracy to Murder Judge and Federal Firearms Crimes, Two Others Indicted for Conspiracy to Possess Destructive Devices and Illegal Weapons," March 17, 2011.

[170] For examples of other militia adherents involved in crime, see Meghann M. Cuniff, "Health Problems Reduce Militia Leader's Sentence," *The Spokesman-Review,* August 11, 2011; Bill Morlin, "Idaho Militia Leader Sentenced for Weapons, Bombs," *Hatewatch,* Southern Poverty Law Center, August 9, 2011; David Cole, "Militia Member Sentenced on Federal Firearms and Explosives Charges," *Coeur d'Alene Press,* August 9, 2011; Federal Bureau of

The above alleged activities are not necessarily indicative of trends toward violence in the larger militia movement, and in one prominent case, DOJ failed to convince the presiding judge of serious charges revolving around a purported violent plot. In March 2012, a federal judge acquitted members of a Michigan Militia group known as the Hutaree on charges of seditious conspiracy or rebellion against the United States and conspiring to use weapons of mass destruction. The judge also cleared the accused Hutaree members of weapons crimes related to the conspiracies.[171]

The case garnered headlines in March 2010, when nine Hutaree members were indicted for allegedly preparing to violently confront U.S. law enforcement.[172] Their supposed plotting included the murder of a local law enforcement officer and an attack on fellow officers who gathered in Michigan for the funeral procession. According to DOJ, the Hutaree discussed the use of explosives against the funeral procession.[173] Audio recordings by an undercover FBI agent of reputed Hutaree leader David Brian Stone capture him discussing the New World Order and how, "it's time to strike and take our nation back so we will be free of tyranny.... The war will come whether we are ready or not."[174] According to DOJ, the group had a hit list that included federal judges, among others.[175] However, during the trial an Assistant U.S. Attorney acknowledged that the Hutaree had not formed a "specific plan" to attack government targets.[176] U.S. District Judge Victoria Roberts stated that, "The court is aware that protected speech and mere words can be sufficient to show a conspiracy. In this case, however, they do not rise to that level."[177] Three Hutaree members pled guilty to firearms charges.[178]

Investigation, "Preventing Terrorist Attacks on U.S. Soil: The Case of the Wrong Package Falling into the Right Hands," April 9, 2004; Scott Gold, Case Yields Chilling Signs of Domestic Terror Plot," *Los Angeles Times,* January 7, 2004.

[171] Ed White, "Michigan Militia Members Cleared of Conspiracy," *Associated Press,* March 27, 2012, http://abcnews.go.com/US/wireStory/critical-charges-dropped-michigan-militia-16013255?singlePage=true#.T3MB5kd_lLc. Hereinafter: White, "Michigan Militia."

[172] Department of Justice, press release, "Nine Members of a Militia Group Charged with Seditious Conspiracy and Related Charges," March 29, 2010.

[173] Ibid.

[174] Corey Williams and Jeff Karoub, "Prosecutor: Undercover FBI Agent Infiltrated Militia," *Associated Press,* March 31, 2010.

[175] Dan Harris, Emily Friedman, and Tahman Bradley, "Undercover Agent Key Witness Against Hutaree Militia Members," *ABC News,* April 1, 2010, http://abcnews.go.com/GMA/undercover-agent-credited-hutaree-militia-bust/story?id=10257584.

[176] Robert Snell and Christine Ferretti, "Key Charges Dropped Against Hutaree Militia," *Detroit News,* March 28, 2011.

[177] White, "Michigan Militia."

[178] See Department of Justice, Press Release, "Members of the Hutaree Militia Plead Guilty to Weapons Charges," March 29, 2012; Matthew Dolan, "Defendant in Michigan Militia Case Changes Plea to Guilty," December 6, 2011, http://online.wsj.com/article/SB10001424052970204083204577080630555077796.html?mod=googlenews_wsj. When the Hutaree suspects were arrested in the case, some militia members in Michigan did not support the group's alleged scheming. For example, a member of another militia group in Michigan provided information to authorities regarding the whereabouts of a fugitive Hutaree militia member. See Kirk Johnson, "Militia Draws Distinctions Between Groups," *New York Times,* March 31, 2010. Also, a militia leader from Michigan has said that the Hutaree case, "caused a rift in the militia movement about whether this is the sort of group we want to rally behind or if what they were doing was outside the scope of what's acceptable." See Robert Snell, "Militias Split over Defending Hutaree," *Detroit News,* March 31, 2011.

Sovereign Citizen Movement

The FBI defines the sovereign citizen movement as "anti-government extremists who believe that even though they physically reside in this country, they are separate or 'sovereign' from the United States. As a result, they do not accept any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement."[179] However, simply holding these views is not a criminal act, and numerous movement adherents solely exercise their beliefs via constitutionally protected activities.

The ideas behind the movement originated during the 1970s with a group known as the Posse Comitatus and enjoyed some popularity in extremist circles during the 1980s and 1990s.[180] Early on, the movement featured white supremacist elements, but this has not kept some African Americans from subscribing to its ideals in recent years.[181] In the 1990s, the movement attracted 250,000 followers and was marked by the FBI's standoff with a group known as the Montana Freemen that lasted 81 days.[182] Current estimates suggest a membership of 300,000.[183]

For the most part, the sovereign citizen movement is diffuse and includes few organized groups.[184] The FBI suggests that sovereigns "operate as individuals without established leadership and only come together in loosely affiliated groups to train, help each other with paperwork [critical to some of their schemes], or socialize and talk about their ideology."[185] The movement involves leaders described as "gurus" who proselytize online, in print publications, or via in-person seminars. These gurus rouse followers into believing a conspiracy theory in which the legitimate federal government has been replaced by a government designed to take away the rights of ordinary citizens.[186] This shares the same broad interplay between concepts of legitimate and illegitimate rule seen in the New World Order and WSE theories about ZOG. Gurus can also

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[179] Federal Bureau of Investigation, "Domestic Terrorism: The Sovereign Citizen Movement," April 13, 2010. Hereinafter: Federal Bureau of Investigation, "Sovereign Citizen."

[180] Anti-Defamation League, "Sovereign Citizen Movement;" Casey Sanchez, "Return of the Sovereigns," *Intelligence Report,* Southern Poverty Law Center, no. 133 (spring 2009).

[181] Sarah Netter, "Anti-Government Sovereign Citizens Taking Foreclosed Homes Using Phony Deeds, Authorities Say," *ABC News,* August 23, 2010, http://abcnews.go.com/US/georgia-battling-sovereign-citizens-squatting-foreclosed-homes/story?id=11445382. See Leah Nelson, "Sovereigns in Black," *Intelligence Report,* Southern Poverty Law Center, no. 143 (Fall 2011).

[182] Patrik Jonsson, "'Sovereign citizens': Is Jared Loughner a sign of revived extremist threat?" *Christian Science Monitor,* March 9, 2011.

[183] Ibid.

[184] One sovereign citizens group is the "Republic for the united States of America" (RuSA) which is based in Alabama. RuSA is a successor to a group known as the Guardians of the Free Republics (GFR), which in 2010 mailed letters to the governors of all 50 U.S. states urging them to leave office. See Southern Poverty Law Center, "Sovereign President," *Intelligence Report,* Southern Poverty Law Center, no. 143 (Fall 2011). In March 2013, the group's self-proclaimed president was convicted of "conspiracy to defraud the United States, attempting to pay taxes with fictitious financial instruments, attempting to obstruct and impede the Internal Revenue Service (IRS), failing to file a 2009 federal income tax return, and falsely testifying under oath in a bankruptcy proceeding." See Department of Justice, Press Release, "Self-Proclaimed President of Sovereign Citizen Nation Convicted in Alabama of Federal Tax Crimes," March 25, 2013.

[185] Federal Bureau of Investigation, Counterterrorism Analysis Section, "Sovereign Citizens: A Growing Domestic Threat to Law Enforcement," *FBI Law Enforcement Bulletin,* (September 2011). Hereinafter: FBI Counterterrorism Analysis Section, "Sovereign Citizens."

[186] Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement,* August 9, 2010, pp. 2-6. Hereinafter: Anti-Defamation League, *The Lawless.*

promote illegal techniques that individuals can use to supposedly cut their ties to the federal government or avoid its reach, particularly when it comes to taxation.[187]

Sovereign citizens reject the legitimacy of much of the U.S. legal system.[188] Many believe that the 14th Amendment "shifted the nation from its original common-law roots with states' rights to a federal corporation that legally enslaved everyone."[189] According to movement members, the amendment ushered in an illegitimate federal government by supposedly abrogating individual rights and replacing them with a system that "grant[ed] privileges through contracts such as marriage and driver's licenses, gun permits, and property codes."[190]

By ignoring all sorts of laws, avoiding taxes, disregarding permit requirements, and destroying government-issued identification documents, some sovereign citizens have tried to cut formal ties with what they perceive as an illegitimate regime.[191] Sovereigns have filed court documents stating that they are not U.S. citizens.[192] They have also created bogus financial documents to harass or defraud their enemies. (For more information, see the ""Paper Terrorism": Liens, Frivolous Lawsuits, and Tax Schemes" section in this report).

Sovereign citizens have in some instances created fictitious entities and used fake currency, passports, license plates, and driver licenses. In 2009, a federal jury found three men guilty of conspiring to use and sell fraudulent diplomatic credentials and license plates that they believed allowed "their customers [to] enjoy diplomatic immunity and [to] no longer ... pay taxes or be subject to being stopped, detained, or arrested by law enforcement personnel."[193] In 2003, Ronald K. Delorme developed the Pembina Nation Little Shell Band of North America[194] into a sovereign citizen group.[195] It is a sham Native American tribe that anyone can join to try and avoid taxes and government-imposed costs, such as auto registration fees. For example, news reports indicate that in June 2010, a sheriff's deputy in Florida pulled over John McCombs when the law enforcement official noticed a Pembina Nation Little Shell license plate on the motorcycle McCombs was driving. According to publicly available sources, McCombs presented a fraudulent letter of diplomatic immunity and an invalid Pembina Nation Little Shell vehicle registration.[196]

Some sovereign citizen fraud appears to be motivated by economic opportunism rather than ideology.[197] This includes "pyramid schemes, other investment schemes, bogus trust scams, real estate fraud, and various types of tax frauds [as well as] more esoteric scams ... ranging from

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[187] Ibid., p. 6.

[188] However, this reportedly does not keep some sovereign citizen extremists from cashing government paychecks. See J.J. McNabb, "Working for the Man: Anti-Government Extremists Who Cash Government Paychecks," *Forbes,* March 5, 2012.

[189] Tom Morton, "Sovereign Citizens Renounce First Sentence of 14th Amendment," *Casper Star-Tribune,* April 17, 2011, http://trib.com/news/local/casper/article_a5d0f966-7ed0-549f-a066-b1b2c91f9489.html.

[190] Ibid.

[191] Anti-Defamation League, *The Lawless,* pp. 4-5.

[192] Lance Griffin, "'Sovereigns' Gain Attention of Law Enforcement," *Dothan Eagle,* May 21, 2011.

[193] Department of Justice, press release, "Jury Convicts Three Men of Conspiracy To Use Fake Diplomatic Identification," August 31, 2009.

[194] The group is not a federally recognized tribe.

[195] Anti-Defamation League, *The Lawless*; Chris Gerbasi, "Tribal Claims Causing Charlotte Controversy," *Sarasota Herald Tribune*, July 25, 2010; "Punta Gorda Man Arrested for Driving with Pembina Nation Plate," *WINK News,* June 1, 2010.

[196] Ibid.

[197] For a discussion of redemption as a scam, see Federal Bureau of Investigation, *Common Fraud Schemes,* http://www.fbi.gov/scams-safety/fraud.

immigration fraud to malpractice insurance fraud."[198] In November 2011, husband and wife Monty and Patricia Ervin were convicted in federal court of conspiring to defraud the United States as well as three counts of tax evasion. In addition, the federal jury convicted Patricia of structuring transactions to avoid bank reporting requirements.[199] The couple allegedly had not filed federal income tax returns between 2000 and 2008, denied their U.S. citizenship, and dubbed themselves "sovereign" when the IRS investigated.[200] The Ervins earned more than $9 million from investment properties they owned.[201] A group of self-proclaimed sovereign citizens in North Georgia was indicted in March 2011 for using sovereign schemes to allegedly steal millions of dollars worth of real estate.[202]

In a few recent cases, avowed sovereign citizens have been involved in violent altercations with law enforcement officers. According to a September 2011 FBI publication, since 2000 "lone-offender sovereign-citizen extremists have killed six law enforcement officers," and the Bureau sees sovereign citizens as a growing threat to U.S. law enforcement.[203]

- Perhaps the most publicized example of alleged sovereign violence directed at police occurred in 2010. In May of that year, two self-professed sovereign citizens were involved in a violent confrontation with West Memphis, TN, police officers. During a traffic stop, Joe Kane fired an AK-47 assault rifle and killed two officers. Kane and his father Jerry fled the scene. Law enforcement sighted their vehicle in a nearby parking lot 90 minutes later. The duo died in the ensuing shootout, which also wounded two more officers.[204] The FBI had investigated Jerry Kane five years before the murders because he was allegedly traversing the United States peddling what the FBI termed a "debt elimination scheme."[205]

In June 2012, the FBI issued a bulletin suggesting that some sovereign extremists may be moving away from more spontaneous violence simply in *reaction* to encounters with police and are potentially preparing for conflict in advance, "making more specific plans to interfere with state and local law enforcement officers during traffic stops and, in some cases, intentionally initiating contact with law enforcement."[206] In August 2013, authorities in Las Vegas, NV, arrested two reputed Sovereigns, David Allen Brutsche and Devon Campbell Newman, after a local investigation uncovered the duo's purported schemes to kidnap and kill police officers. Reportedly, the Las Vegas Metropolitan Police Department ran an undercover investigation to nab the two after they encountered Brutsche in what has been characterized as a series of vehicle stops during which "Brutsche would espouse his Sovereign Citizen beliefs that he wasn't bound

[198] Anti-Defamation League, *The Lawless*, p. 24.

[199] Department of Justice, press release, "Self-Proclaimed 'Governor' of Alabama and Wife Convicted of Tax Fraud," November 4, 2011. Hereinafter: Department of Justice, "Self-Proclaimed."

[200] Ibid; *United States v. Patricia Ervin and Monty Ervin,* Superseding Indictment, 1:11-CR-07-MHT, District Court, Middle District of Alabama, February 17, 2011.

[201] Department of Justice, "Self-Proclaimed."

[202] Megan Matteucci, "12 'sovereign citizens' indicted," *Atlanta Journal-Constitution,* March 15, 2011.

[203] FBI Counterterrorism Analysis Section, "Sovereign Citizens."

[204] Cindy Wolff, "West Memphis Police Sued by Widow of Man Killed in Shootout," *The Commercial Appeal*, April 21, 2011; Kristina Goetz, Cindy Wolff, "Grieving West Memphis Chief Raises National Curtain on Sovereign Citizens," *The Commercial Appeal,* April 17, 2011.

[205] Scott Knoll, "The Warning That Never Came: What the FBI Knew About Jerry Kane," *WREG,* March 2, 2011.

[206] Federal Bureau of Investigation, *Recent Sovereign Citizen Extremist Targeting of Law Enforcement Highlights Potential for Violence during Traffic Stops*, June 1, 2012.

by the law Metro officers were enforcing."[207] Brutsche pled guilty to felony kidnapping conspiracy in February 2014 after "prosecutors abandoned the two most serious charges—conspiracy to murder and attempted armed kidnapping."[208]

Other cases have garnered attention. For example, in July 2011 James M. Tesi allegedly shot at a local police officer trying to arrest him near Fort Worth, TX. Tesi was reportedly wounded in the altercation. Outstanding "arrest warrants for speeding, driving without a license in possession, and failure to appear" prompted the attempted apprehension.[209] Court documents described in news reporting noted that Tesi linked himself to a sovereign citizen group.[210] In February 2012, Tesi was found "guilty of aggravated assault on a public servant with a deadly weapon."[211] In June 2011, a police officer in Page, AZ, shot and killed William Foust while responding to a domestic violence 911 call. The shooting reportedly occurred during a physical struggle in which Foust attempted to "gain control of" the police officer's Taser.[212] According to a press account, Foust had declared his sovereign citizen status in court proceedings in Kanab, UT (about 75 miles from Page), related to a speeding ticket.[213]

Black Separatist Extremists

DOJ includes black separatism in its list of movements that potentially spawn domestic terrorists.[214] However, most black separatists solely engage in constitutionally protected behavior. Since 9/11, there has been little public discussion of federal investigations involving black separatist extremists. One group exhibiting what can be described as black separatist views, the New Black Panther Party for Self Defense (NBPP), received national scrutiny over voter intimidation allegations involving members of its Philadelphia chapter during the 2008 federal general election.

The NBPP emerged in the early 1990s, and it is not tied to the Black Panthers from the 1960s.[215] Watchdog groups have described the NBPP as "a virulently racist and anti-Semitic organization whose leaders have encouraged violence against whites, Jews, and law enforcement officers,"[216] as well as "the largest organized anti-Semitic and racist black militant group in America."[217] The NBPP, which denies that it is a hate group, engages in "high-profile" rhetoric at rallies or demonstrations intended to encourage confrontation with authorities. The group's actions occur

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[207] Jackie Valley, "Metro Infiltrates Sovereign Citizens Movement, Uncovers Plots to 'Snatch,' Execute Officers," *Las Vegas Sun,* August 22, 2013.

[208] Ken Ritter, "Man Takes Plea Deal in Las Vegas 'Sovereign Citizen' Case," *Associated Press,* February 7, 2014.

[209] Domingo Ramirez Jr., "Man in 'Sovereign Citizen' Group is Wounded in Shootout," July 22, 2011.

[210] Ibid.

[211] Steve Norder, "'Sovereign Citizen' Gets 35 Years for Assault on Officer," *Fort Worth Star-Telegram,* February 1, 2012, http://www.star-telegram.com/2012/01/31/3702338/sovereign-citizen-found-guilty.html.

[212] Todd Glasenapp and Larry Hendricks, "Page Officer Kills Man in DV Incident," *Arizona Daily Sun,* June 21, 2011, http://azdailysun.com/news/local/crime-and-courts/article_61e27d9d-6d47-5655-8a71-d28b846d8e3e.html.

[213] Ibid. For other violent plots with alleged sovereign ties, see Alyssa Newcomb, "Suspects in Louisiana Cop Killings Linked to Sovereign Citizens Movement," *ABC News,* August 19, 2012, http://abcnews.go.com/US/alleged-louisiana-cop-shooters-linked-sovereign-citizen-movement/story?id=17038353#.UL4plddrq1g; J.J. MacNabb, "Sovereign Extremist Injured in Texas Bomb Explosion," *Forbes,* July 3, 2012.

[214] Department of Justice, *White Paper,* p. 59.

[215] D.J. Mulloy, "New Panthers, Old Panthers, and the Politics of Black Nationalism in the United States," *Patterns of Prejudice,* vol. 44, no. 3 (2010), pp. 217, 219, 229-236. Hereinafter: Mulloy: "New Panthers."

[216] Southern Poverty Law Center, "New Black Panther Party."

[217] Anti-Defamation League, "New Black Panther Party for Self Defense," June 1, 2011.

"on behalf of the poor or disadvantaged, involving the ready display of firearms."[218] As an example of the rhetoric the group uses, an NBPP representative characterized the March 2011 shooting death of a drug suspect in Jacksonville, FL, as "a violent act of terrorism" committed by police.[219] Soon after the shooting, the Jacksonville Sheriff's Office said that the confrontation involved undercover officers serving a search warrant at an apartment. Officers claimed that inside the apartment, the victim—an alleged drug dealer with a criminal record—was holding a firearm.[220]

In 2008, the Philadelphia, PA, chapter of the NBPP was involved in a case that generated public controversy. A 2009 civil suit filed by DOJ claimed that two NBPP members wearing the group's paramilitary uniforms loitered around the entrance to a 2008 federal general election polling station in Philadelphia. One of the NBPP members allegedly carried a nightstick. According to DOJ, some poll watchers feared for their safety because of this activity. Philadelphia police officers responding to claims of voter intimidation removed the nightstick-wielding NBPP member and allowed the other to remain (the latter was a certified poll watcher). Police asked people at the polling station whether they had been threatened by the two individuals. All those questioned replied that they had not. However, at least one individual claimed that the presence of the two NBPP members had been intimidating.[221] The NBPP disavowed the actions of its two members.[222] In May 2009, DOJ voluntarily dismissed claims against defendants in the case, and a July 2009 letter from 10 Members of Congress to DOJ's Inspector General questioned the decision to do so. DOJ's Office of Professional Responsibility (OPR) investigated, and in March 2011, OPR issued a report which argued that DOJ officials did not act inappropriately regarding the matter.[223]

Anti-Abortion Extremists

The vast majority of anti-abortion activists engage in constitutionally protected activity. However, anti-abortion extremism involves crime committed in the name of the anti-abortion movement. Sixty-six instances of "extreme violence" targeting abortion providers and clinics occurred in the United States from 1997 through 2010, according to one group that supports abortion rights and tracks criminal activity intended to limit access to abortion services.[224] These cases involved shootings, bombings, arson incidents, and acid attacks.[225] Since 1993, eight clinic workers have been murdered by anti-abortion extremists in the United States.[226] Because of a wave of violence focused on abortion providers in the 1980s and early 1990s, Congress passed and President Clinton signed into law the Freedom of Access to Clinic Entrances Act (FACE Act) (18 U.S.C.

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[218] Mulloy: "New Panthers," p. 223, 233.

[219] "Black Panthers Protest Police Shooting," October 14, 2011; "Black Panthers Protest Police Shooting," *First Coast News*, March 19, 2011.

[220] Ibid.

[221] Department of Justice, Office of Professional Responsibility, Report, *Investigation of Dismissal of Defendants in* United States v. New Black Panther Party for Self-Defense, Inc. et al., March 17, 2011, pp. 6-8. Hereinafter: DOJ, OPR, *Investigation of Dismissal.*

[222] Mulloy: "New Panthers," p. 217-218.

[223] DOJ, OPR, *Investigation of Dismissal*, pp. 1-3.

[224] National Abortion Federation, "Clinic Violence," http://www.prochoice.org/about_abortion/violence/history_extreme.asp. See also "NAF Violence and Disruption Statistics," http://www.prochoice.org/pubs_research/publications/downloads/about_abortion/stats_table2010.pdf.

[225] Ibid.

[226] NARAL Pro-Choice America Foundation, press release, "Anti-Choice Violence and Intimidation."

§248) in 1994.[227] As with other types of domestic terrorism investigations, it is unclear exactly which incidents of violence perpetrated against abortion providers the FBI considers terrorist acts.

The 2009 murder of George Tiller, an abortion provider, received sizeable public attention. On January 29, 2010, Scott Roeder was convicted of first-degree murder and two counts of aggravated assault for killing Tiller. Roeder shot Tiller while the latter was at church on May 31, 2009. Roeder was sentenced to "life in prison with no possibility of parole for 50 years."[228]

A number of other unrelated schemes targeting abortion clinics have been uncovered since Roeder's arrest. These incidents appear to involve individuals largely operating alone.

- In January 2012, Bobby Joe Rogers was charged in the firebombing of a Pensacola, FL, abortion clinic on New Year's Day 2012. The bombing destroyed the clinic, which had been targeted in the past.[229] In February 2012, a federal grand jury indicted him on two counts—arson and damaging a reproductive health facility.[230] He pled guilty to the charges in July 2012.[231]
- In May 2011, Ralph Lang was arrested after allegedly accidently firing his handgun through the door of the hotel room in Madison, WI. He was reportedly planning to kill abortion providers in the area.[232]

One underground network that supports attacks on abortion clinics is the Army of God (AOG).[233] The loosely structured organization openly promotes anti-abortion violence.[234] However, its

[227] This is not a terrorism-related statute. In fact, DOJ's Civil Rights Division, prosecutes both criminal and civil cases involving the FACE Act. See http://www.justice.gov/crt/about/crm/overview.php; http://www.justice.gov/crt/about/spl/face.php. The FACE Act (18 U.S.C. §248), "protects the exercise of free choice in obtaining reproductive health services, and the exercise of First Amendment religious freedoms. Section 248 makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is or has been obtaining or providing reproductive health services. Section 248 also makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is lawfully exercising the right of religious freedom at a place of worship. Finally, Section 248 makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services, or because it is a place of worship. Section 248 also prohibits anyone from attempting to commit any of the above."

[228] Ron Sylvester, "Scott Roeder Gets Hard 50 in Murder of Abortion Provider George Tiller," *Wichita Eagle,* April 1, 2010. Hereinafter: Sylvester, "Scott Roeder." Roeder reportedly also adhered to anti-government beliefs beginning in the 1990s. See Ron Sylvester, Abortion Issue Front and Center in Roeder Murder Trial," January 10, 2010, *Wichita Eagle*.

[229] "Man Indicted for Abortion Clinic Firebombing," *Associated Press,* February 23, 2012.

[230] Department of Justice, press release, "Arson Indictment Returned Regarding American Family Planning Clinic," February 23, 2012.

[231] Department of Justice, press release, "Man Pleads Guilty to Arson of Reproductive Health Facility in Pensacola," July 19, 2012.

[232] Kevin Murphy, Feds Mull Felony Charge for Suspect Ralph Lang of Marshfield in Abortion Clinic Shooting Plot," *Marshfield News,* May 28, 2011; Department of Justice, press release, "Wisconsin Man Charged with FACE Act Violations," May 26, 2011, http://www.justice.gov/opa/pr/2011/May/11-crt-695.html. For other examples of individuals involved in abortion-related violence, see Department of Justice, press release, "Man Pleads Guilty to Civil Rights Violation in Connection with Arson at Planned Parenthood and Vandalism of Mosque in Madera, California," October 7, 2011. Mower also threw a brick at a mosque in Madera. Ryan Seals, "Update: Concord Man Charged in Plot to Bomb Abortion Clinic," *Greensboro News and Record,* September 9, 2010; "Man Guilty of Bombing Plot Gets 30 Months," *Salisbury Post,* March 2, 2011.

[233] National Consortium for the Study of Terrorism and Responses to Terrorism (START), "Terrorist Organization Profile: Army of God." Hereinafter: START, "Army of God."

[234] Mireille Jacobson and Heather Royer, "Aftershocks: The Impact of Clinic Violence on Abortion Services," National Bureau of Economic Research, Working Paper No. 16603, (January 7, 2010), p. 6.

members deny that they are terrorists. They also deny that attacks against clinics and abortion providers constitute violent activity, because they see it as "Godly work."[235] AOG first made headlines with the 1982 kidnapping of a doctor and his wife, both of whom ran an abortion clinic in Illinois. Three individuals who claimed membership in AOG were responsible.[236] The group disseminates a manual that "is a 'how to' for abortion clinic violence. It details methods for blockading entrances, attacking with butyric acid, arson, bomb making, and other illegal activities. The manual contains anti-abortion language as well as anti-government and anti-gay/lesbian language. The manual begins with a declaration of war on the abortion industry."[237] Eric Rudolph, who in the late 1990s bombed an abortion clinic near Atlanta, GA, and one in Birmingham, AL, "published his writings on the Army of God website."[238]

Protected Activities vs. Terrorism—Divergent Perceptions of the ALF

The boundary between constitutionally protected legitimate protest and terrorist activity has received much attention in public discussions of domestic terrorism. As an example of this, the next several sections of this report explore such considerations regarding the ALF.

A Serious Domestic Concern or "Green Scare?"

U.S. law enforcement, some business groups, and some scientists—among others—have stressed that animal rights extremists (and eco-terrorists) are a security and law enforcement concern. In 2008, the FBI stated that animal rights extremists and eco-terrorists together posed a serious domestic terrorism threat for several reasons, including the number of crimes attributed to animal rights extremists and eco-terrorists (between 1,800 and 2,000 incidents accounting for more than $110 million[239] in damages from 1979 to early 2009), the broad pool of victims (such as large pharmaceutical corporations, scientific laboratories, ski resorts, automobile dealerships, individual researchers, and lumber companies), and the movement's rhetoric and destructive

[235] Jennifer Jefferis, *Armed for Life: The Army of God and Anti-Abortion Terror in the United States* (Santa Barbara, CA: Praeger, 2011), p. xvi. Hereinafter: Jefferis, *Armed for Life.*

[236] Ibid., p. 23. The victims were released unharmed after eight days of captivity. See; "Abortion Opposition Stressed in Kidnapping Trial in Illinois," *New York Times,* January 26, 1983.

[237] START, "Army of God."

[238] Beau Seegmiller, "Radicalized Margins: Eric Rudolph and Religious Violence," *Terrorism and Political Violence,* vol. 19, no. 4 (October 2007), p. 524. The 1998 bombing in Birmingham killed a police officer and injured a nurse. On May 31, 2003, Rudolph was arrested and charged with the clinic bombings, bombing the Centennial Olympic Park during the 1996 summer Olympic games in Atlanta (claiming one life), and attacking a gay club—Atlanta's Otherside Lounge—in 1997. Rudolph admitted to the bombing spree in April 2005. He claimed that the 1996 attack at Centennial Olympic Park was intended to shame the U.S. government for what Rudolph saw as its support of abortion rights. See "Rudolph Pleads Guilty in Series of Bombings," *Associated Press* at *MSNBC,* April 13, 2005; "Rudolph Agrees to Plea Agreement," *CNN,* April 12, 2005, http://articles.cnn.com/2005-04-08/justice/rudolph.plea_1_emily-lyons-eric-robert-rudolph-atlanta-attacks?_s=PM:LAW.

[239] ELF claims that it has caused over $150 million in damages, although the geographic range and timeframe for this figure are unknown. Earth Liberation Front.org, "What Is the Earth Liberation Front?" Hereinafter: ELF, "What Is the Earth?" See also http://www.animalliberationfront.com/ALFront/ELF/ELFPressOffice.htm.

tactics.[240] In March 2012, the FBI suggested that the threat from eco-terrorists may be declining in recent years.[241]

As articulated by some scientific researchers, the monetary toll on legitimate businesses and laboratories in the United States exacted by animal rights and eco extremists is compounded by less tangible issues. For example, animal rights extremists and eco-terrorists have impacted the work of scientists. In some cases, special equipment and research materials have been destroyed in attacks. The consequences of criminal activity in the name of movements such as the ALF can also be more personal. Two advocates of animal research conducted strictly according to federal regulations have noted that the actions of animal rights extremists have pushed some scientists to quit lab work involving animals. Often, this work relates to products and procedures that some maintain cannot feasibly be marketed without animal testing.[242] In 2006, a UCLA professor of behavioral neuroscience declared he was stopping his research on monkeys because of what he described as harassment by animal rights groups.[243] Additionally, animal rights extremists are said to be driving out students from research programs.[244]

Critics of U.S. efforts to fight animal rights extremism and eco-terrorism have suggested that the threat is overblown by law enforcement and that the government's pursuit of purported extremists perpetuates a "green scare," chilling the exercise of protected speech by protesters.[245] Some say that the government conflates property crime with terrorism.[246] Others add that people engaged in what the government describes as animal rights extremism or eco-terrorism do not deserve the terrorist label.

Animal Enterprise Terrorism Act (P.L. 109-374)

The Animal Enterprise Terrorism Act (P.L. 109-374; AETA) expanded the federal government's legal authority to combat animal rights extremists who engage in criminal activity. Signed into law in November 2006, it amended the 1992 Animal Enterprise Protection Act (P.L. 102-346; AEPA). Namely, the AETA

> Amends the federal criminal code to revise criminal prohibitions against damaging or interfering with the operations of an animal enterprise to include intentional damage or loss

[240] There is some imprecision in the FBI's public statements regarding the number of crimes committed by animal rights extremists and eco-terrorists. In April 2009, the FBI estimated that "to date [animal rights and eco-] extremists have been responsible for more than 1,800 criminal acts." Ten months earlier, in June 2008, the FBI placed the number of criminal acts at "over 2,000 since 1979." See Michael J. Heimbach, Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, press conference, April 21, 2009. Hereinafter: Heimbach, press conference. See also FBI, "Putting Intel." The $110 million figure remained the same in both publicly released documents.

[241] Juliet Eilperin, "As Eco Terrorism Threat Wanes, Governments Keep Eyes on Activists," *Washington Post,* March 11, 2012. Hereinafter: Eilperin, "As Eco Terrorism."

[242] Conn and Parker, *The Animal,* pp. xii, xvi. See also 21 C.F.R. §314.610 (regarding approval based on evidence of effectiveness from studies in animals).

[243] Samantha Henig, "UCLA Professor Halts Monkey Research," *Chronicle of Higher Education,* vol. 53, no. 2 (September 1, 2006), p. 21.

[244] Michael Conn and James Parker, "Winners and Losers in the Animal Research Wars," *American Scientist,* vol. 96, no. 3 (May-June 2008), p. 184.

[245] See Will Potter, *Green Is the New Red: An Insider's Account of a Social Movement Under Siege,* (San Francisco: City Lights Books, 2011), p. 61.

[246] Coalition to Abolish the AETA, "AETA v. AEPA: A Side-by-Side Comparison," October 16, 2008, http://abolishtheaeta.org/web/aeta-v-aepa-a-side-by-side-comparison/; Center for Constitutional Rights, factsheet, "The Animal Enterprise Terrorism Act (AETA)," http://ccrjustice.org/learn-more/faqs/factsheet%3A-animal-enterprise-terrorism-act-(aeta).

> to any real or personal property and intentional threats of death or serious bodily injury against individuals (or their family members, spouses, or intimate partners) who are involved with animal enterprises.[247]

The AETA expanded the AEPA to include both successful and attempted conspiracies. It also prohibits intentionally placing a person in "reasonable fear" of death or serious bodily injury while damaging or interfering in the operations of an animal enterprise. The AETA revised and increased monetary and criminal penalties. It also stipulates that it does not prohibit First Amendment-protected activity.

DOJ successfully prosecuted individuals on charges relating to animal enterprise terrorism for the first time under the AEPA in 2006 (the case had been built before the AETA had been signed into law).[248] Six individuals were convicted for what DOJ described as "their roles in a campaign to terrorize officers, employees, and shareholders of HLS [Huntingdon Life Sciences, a research corporation that performs animal research and has U.K. and U.S. facilities]."[249] These individuals belonged to an animal rights campaign named Stop Huntingdon Animal Cruelty (SHAC)[250] and the entity SHAC USA, Inc. SHAC involves both legal protests and criminal activity against HLS.

Reportedly, the six incited threats, harassment, and vandalism and on this basis were convicted of violating the AEPA.[251] DOJ has noted that SHAC's stated mission was to work "outside the confines of the legal system."[252] DOJ proved in court that the group managed websites that encouraged others "to direct their intimidation, harassment, and violence against HLS and its targeted employees, as well as secondary targets—companies and employees who did business with HLS."[253]

DOJ has also successfully applied the AETA. For example, on February 14, 2011, Scott DeMuth was sentenced to six months in prison on one count of misdemeanor conspiracy to commit animal

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[247] P.L. 109-374, CRS summary. Instead of damage and interference, the AEPA focused on the "physical disruption to the functioning of an animal enterprise." According to AETA, "animal enterprise" means: "(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing; (B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or (C) any fair or similar event intended to advance agricultural arts or sciences."

[248] Department of Justice, press release, "Three Militant Animal Rights Activists Sentenced to Between Four and Six Years in Prison," September 21, 2006.

[249] Ibid. See also "The SHAC 7," http://www.shac7.com/case.htm.

[250] An undercover British television report on the treatment of animals at a British company, Huntingdon Life Sciences (HLS), sparked the creation of Stop Huntingdon Animal Cruelty (SHAC) in the United Kingdom in 1999. Active in a number of countries around the world, including the United States, the campaign has tried to compel business and financial firms to cut ties to HLS. It has involved both legal protests and crime. John P. Martin, "Animal Rights and Wrongs," *Newark Star-Ledger,* November 28, 2004; Anti-Defamation League, *Ecoterrorism*. For more on SHAC from a movement perspective, see "History of the Animal Liberation Front," http://www.animalliberationfront.com/ALFront/Premise_History/ALF_History.htm. The SHAC campaign made its way to the United States in 2000. See Heimbach, press conference.

[251] Four of the six were guilty of other charges related to the case as well. Department of Justice, "Militant Animal Rights Group, Six Members Convicted in Campaign to Terrorize Company, Employees, and Others," March 2, 2006. Hereinafter: Department of Justice, "Militant Animal Rights." Anti-Defamation League, "Animal Rights Group Sentenced for Inciting Violence and Stalking." Hereinafter: Anti-Defamation League, "Animal Rights Group."

[252] Department of Justice, *White Paper,* p. 60.

[253] Ibid. The convictions in the case were upheld by a federal appeals court in 2009. See Lisa Coryell, "Convictions of Animal Rights Activists Upheld," *Times of Trenton,* October 14, 2009. Subsequently, the U.S. Supreme Court refused to review the case. See Center for Constitutional Rights, "U.S. v. SHAC 7," http://ccrjustice.org/us-v-SHAC7; Will Potter, "Supreme Court Will Not Hear SHAC 7 Case," March 7, 2011, http://www.greenisthenewred.com/blog/shac-7-supreme-court/4447/.

enterprise terrorism. He was involved in a raid that released about 200 ferrets at a Minnesota farm in 2006. Activists had claimed the action in the name of the ALF.[254] In another case, William James Viehl and Alex Hall were sentenced to 24 months and 21 months in prison, respectively, under AETA. The duo had released 650 minks, destroyed breeding records, and vandalized structures at the McMullin Ranch in South Jordan, UT, in 2008.[255]

DOJ has experienced at least one setback in its application of the AETA. In February 2009, the FBI announced the arrests of what it described as "four animal rights extremists." The four (two women, two men, all in their 20s) allegedly violated the AETA by using "force, violence, or threats to interfere with the operation of the University of California."[256] The incidents leading to the indictment included protests at the houses of researchers from the University of California, Berkeley and University of California, Santa Cruz. According to the FBI's press release, in one instance, three of the indicted individuals tried to forcibly enter the home of a researcher, whose husband was hit by an object while confronting the protesters.[257] In July 2010, a federal judge dismissed the indictment against the four. According to the ruling, the indictment failed to specifically describe crimes allegedly committed by the defendants.[258] Opponents of the prosecution stress that the case involved over-broad application of AETA to First Amendment-protected behaviors.[259]

Criticisms of federal government efforts to counter animal rights extremists have focused on the AETA itself and First Amendment-related issues. Opponents of the AETA suggest that it expanded the AEPA too much by making it easier to prosecute individuals who wage protest campaigns against secondary or tertiary targets—companies or people (such as insurers) indirectly tied to an animal enterprise.[260] Opponents also take issue with the inclusion of "reasonable fear" in the AETA, suggesting that protected speech or activities may possibly be interpreted as provoking "reasonable fear" in some instances. Echoing critiques of the AETA, one observer emphasizes that while activities linked to U.S.-based animal rights extremists have caused significant property damage, none of these criminal acts has physically harmed people. This critic suggests that describing vandalism or arson as *terrorism* and not ordinary *crime* dampens constitutionally protected protest activity by people who support animal rights or radical environmentalism but do not engage in criminal activity.[261] In essence, this position argues that the U.S. government is encouraging a "green scare" by labeling the activity of movements such

[254] Ryan J. Foley, "Minn. Man Gets 6 Months for Raid on Ferret Farm," *Associated Press*, February 14, 2011. Jennifer Kotila, "Minneapolis Man to Be Sentenced for Releasing HL Ferrets He Thought Were Mink," *Delano Herald Journal*, (Minnesota) December 20, 2010.

[255] Dennis Romboy, "Man Who Raided South Jordan Mink Farm Sentenced," *Deseret News*, July 1, 2010; Department of Justice, press release, "Viehl Pleads Guilty to Damaging, Interfering with Animal Enterprise in Connection with McMullin Mink Farm Incident," September 3, 2009.

[256] Federal Bureau of Investigation, press release, "Four Extremists Arrested for Threats and Violence Against UC Researchers," February 20, 2009, http://sanfrancisco.fbi.gov/pressrel/pressrel09/sf022009.htm.

[257] Ibid.

[258] "S.C. Animal Activists Won't Face Charges," *The Monterey County Herald*, July 14, 2010.

[259] Will Potter, "Breaking: AETA 4 Case Dismissed, But Re-Indictment Possible," *GreenIstheNewRed.com*, July 12, 2010, http://www.greenisthenewred.com/blog/aeta-4-case-thrown-out-dismissed/3015/; Bill Quigley and Rachel Meeropol, "Victory for Animal Rights Dissent," *Huffington Post*, July 16, 2010. Hereinafter: Quigley and Meeropol, "Victory for Animal."

[260] The AETA makes it illegal to damage or interfere with the operations of an animal enterprise. Presumably this covers tertiary targets.

[261] Will Potter, "The Green Scare," *Vermont Law Review*, vol. 33, no. 4 (June 2009), pp. 672-673.

as the ALF and the ELF as terrorism or extremism.[262] After serving 40 months in prison for her involvement with SHAC USA, Lauren Gazzola argued that she was not a terrorist, claiming, "I hadn't hurt anyone or vandalized any property. In fact, the indictment didn't allege that I'd committed any independent crime at all, only that I'd 'conspired' to publish a website that advocated and reported on protest activity against a notorious animal testing lab in New Jersey."[263]

The U.S. Code's definition of "domestic terrorism" has been seen by some as potentially chilling to legitimate animal rights and environmental protest activities.[264] As mentioned, the current delineation of domestic terrorism in the U.S. Code includes criminal acts "dangerous to human life" that appear to intend to intimidate or coerce a civilian population or influence governmental policy via intimidation or coercion. This line of reasoning suggests that the crimes committed by animal rights extremists and eco-terrorists cannot be compared to clearly violent attacks by groups such as Al Qaeda. An opposing commentary stresses that such discussion is irrelevant and

> miss[es] the mark. The ALF ideology encourages members to instill fear in those who engage in the activities that the ALF opposes: fear of harm to themselves and their families, and fear of personal and professional economic loss. Additionally, these arguments assume that "true terrorism" is fundamentally different from animal rights terrorism. While it is true that animal rights terrorism, as a whole, does not engage in the same scale of violence as other extremist groups, those working in academia, research, agriculture, and food service industries are no less fearful when their homes and workplaces are firebombed; violent tactics can instill fear even when they are used infrequently.[265]

Assessing Domestic Terrorism's Significance

Domestic terrorist attacks have come nowhere near the devastation of 9/11. However, it is worth noting that (as mentioned above) Timothy McVeigh's bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, claimed 168 lives and injured more than 500 others. It ranks as the second-deadliest terrorist attack on U.S. soil, behind only the devastation wrought by Al Qaeda on 9/11. Domestic terrorists feature prominently among the concerns of some law enforcement officers. For example, Los Angeles Deputy Police Chief Michael P. Downing recently described violent Islamists such as Al Qaeda, Hezbollah, and Hamas as Los Angeles's main terrorist threats "along with three other terrorist categories: black separatists, white supremacist/sovereign citizen extremists, and animal rights terrorists."[266] In one 2008 study, state police agencies "overwhelmingly reported" dangerous domestic extremist groups present in their jurisdictions.[267] Of course, as one expert reminds us, most followers of extremist viewpoints

[262] Ibid; Quigley and Meeropol, "Victory for Animal."

[263] Lauren Gazzola, "Animal Rights Activists Like Me Aren't Terrorists," *EGP News,* January 12, 2012, http://egpnews.com/?p=33714.

[264] American Civil Liberties Union, "How the USA PATRIOT Act Redefines "Domestic Terrorism," December 6, 2002. For an additional view suggesting that the activities of movements such as the ALF and the ELF should not be treated as terrorism, see DeMond Shondell Miller, Jason David Rivera, and Joel C. Yelin, "Civil Liberties: The Line Dividing Environmental Protest and Ecoterrorists," *Journal for the Study of Radicalism,* vol. 2, no. 1 (2008), pp. 109-123.

[265] Grubbs, "Saving Lives," pp. 364-365.

[266] Bill Gertz, "L.A. Police Use Intel Networks Against Terror," *Washington Times,* April 11, 2011.

[267] "Far Right Domestic Terrorism on Par with Foreign Threat, Experts Say," CNN, July 25, 2011.

pose no threat: "Most of them are not going to do anything but bore their relatives and friends with ridiculous papers and treatises."[268]

Five themes speak to the possible threat posed by domestic terrorists. First, domestic terrorists likely have been responsible numerous incidents since 9/11, and there appears to be growth in anti-government extremist activity as measured by watchdog groups in the last several years. Second, a large number of those labeled as domestic terrorists do not necessarily use major terrorist tactics such as bombings or airplane hijackings. Third, domestic terrorists—much like their violent jihadist analogues—are often Internet savvy and use the medium as a resource for their operations. Fourth, domestic terrorism can be seen as a somewhat decentralized threat often involving lone wolves and movements operating under the model of leaderless resistance. Finally, prison has been highlighted as an arena in which terrorist radicalization can occur, and WSE plays a role in the activities of several U.S. prison gangs. Sovereign citizen theories have also taken root in U.S. prisons.

Counting Incidents

There is no publicly-available list of domestic terrorist incidents (foiled plots or attacks) kept by the U.S. government. This makes it especially challenging for anyone trying to develop a sense of this particularly diverse threat.[269] However, a September 2011 study by the New America Foundation and Syracuse University's Maxwell School of Public Policy found 114 individuals involved in non-jihadist terrorist acts in the 10 years following 9/11. The study did not limit its findings to animal rights extremists, eco-terrorists, anarchist extremists, sovereign citizens, unauthorized militias, black separatists, white supremacists, and anti-abortion extremists. It included incidents by what it described as left-wing and right-wing terrorists.[270]

Some U.S. government sources suggest levels of domestic terrorist activity. Examples of such sources include the following:

- An unclassified 2008 DHS report includes a table that lists *selected* criminal acts perpetrated by people involved in the animal rights extremist and eco-terrorist movements. This list counts 74 criminal acts between 9/11 and March 2008.[271]
- As noted, the FBI estimated that animal rights extremist and eco-terrorists together committed between 1,800 and 2,000 criminal incidents accounting for more than $110 million in damages from 1979 to early 2009.[272] In 2012, the FBI also publicly discussed a decline in eco-terrorism, especially after a wave of successful prosecutions in 2007. The Bureau reportedly attributes the perceived

[268] Ibid.

[269] From 2004 to early 2012, the National Counterterrorism Center's Worldwide Incidents Tracking System (WITS) publicly captured information on terrorist incidents (attacks) worldwide, including in the United States. It is no longer available. Prior to WITS, the FBI published regular reports of such activity. See http://www.fbi.gov/stats-services/publications.

[270] Peter Bergen et al. *Right- and Left-Wing Terrorism Since 9/11,* New America Foundation, September 10, 2011, http://homegrown.newamerica.net/overview. Hereinafter: Bergen et al. *Right- and Left-Wing.*

[271] Department of Homeland Security, *Ecoterrorism: Environmental and Animal-Rights Militants in the United States,* Universal Adversary Dynamic Threat Assessment, May 7, 2008. Table 1 from the report is a "compilation of material from ALF and ELF communiqués and publications, media reports, and law enforcement" listing *selected* criminal acts perpetrated by the ALF and the ELF from 1984 to March 2008. Table 1 from the DHS report is not a comprehensive list of crimes tied to the ALF and the ELF. Hereinafter: Department of Homeland Security, *Ecoterrorism.*

[272] Heimbach, press conference; Federal Bureau of Investigation, "Putting Intel."

dip to activists possibly viewing "a Democratic administration as more sympathetic to their goals and [thus] be less inclined to take radical steps."[273]

- An unclassified FBI intelligence bulletin estimates that 53 acts of violence were committed by what it calls "white supremacist extremists" between 2007 and 2009 in the United States. Victims included other white supremacists, African Americans, and Latinos. Most of the incidents involved assaults. The bulletin bases these findings on law enforcement and media reporting.[274]
- In February 2012, the FBI announced that sovereign citizen convictions increased from 10 in 2009 to 18 in both 2010 and 2011.[275]

Domestic terrorists have been responsible for killing Americans.

- The study by the New America Foundation and Syracuse University's Maxwell School of Public Policy counted "[a]t least 14 people ... killed in right- and left-wing terrorism-related incidents [in the 10 years since 9/11]."[276]
- On January 29, 2010, Scott Roeder was convicted of first-degree murder and two counts of aggravated assault for killing abortion provider George Tiller.[277]
- Described as a neo-Nazi and white supremacist, James von Brunn reportedly shot and killed a security guard at the U.S. Holocaust Memorial Museum in Washington, DC, in June 2009. In January 2010, the 89-year-old von Brunn died in federal prison, before he could be tried.[278]

Additionally, a key caveat regarding the violence involved in domestic terrorist activity may be of importance. Many domestic terrorist incidents have been linked to either animal rights extremists or eco-terrorists. As highlighted elsewhere in this report, many animal rights extremists and eco-terrorists claim to avoid violent acts that directly target people. The attacks by these individuals can often be described as property crimes involving arson or vandalism.

Growth in Hate Groups and Anti-Government Extremism

Beyond counting terrorist incidents, the Southern Poverty Law Center (SPLC)[279] has noted both a rise in the number of hate groups from 2000-2012 and a marked expansion in the militia movement (discussed elsewhere in this report) over the same period. Between 2009 and 2012,

[273] Eilperin, "As Eco Terrorism."

[274] Federal Bureau of Investigation, *White Supremacist Extremist Violence*, pp. 1-2. The FBI bulletin defines "acts of violence" to include "arson; assaults and murders; and acts designed to threaten or intimidate due to a person's ethnicity, religious beliefs, or lifestyle." See Federal Bureau of Investigation, *Rage and Racism* p. 5.

[275] Patrick Temple-West, "Anti-Government Extremists Opposed to Taxes and Regulations Pose a Growing Threat to Local Law Enforcement Officers in the United States, the FBI Warned on Monday," *Reuters*, February 6, 2012.

[276] Bergen et al. *Right- and Left-Wing.*

[277] Sylvester, "Scott Roeder."

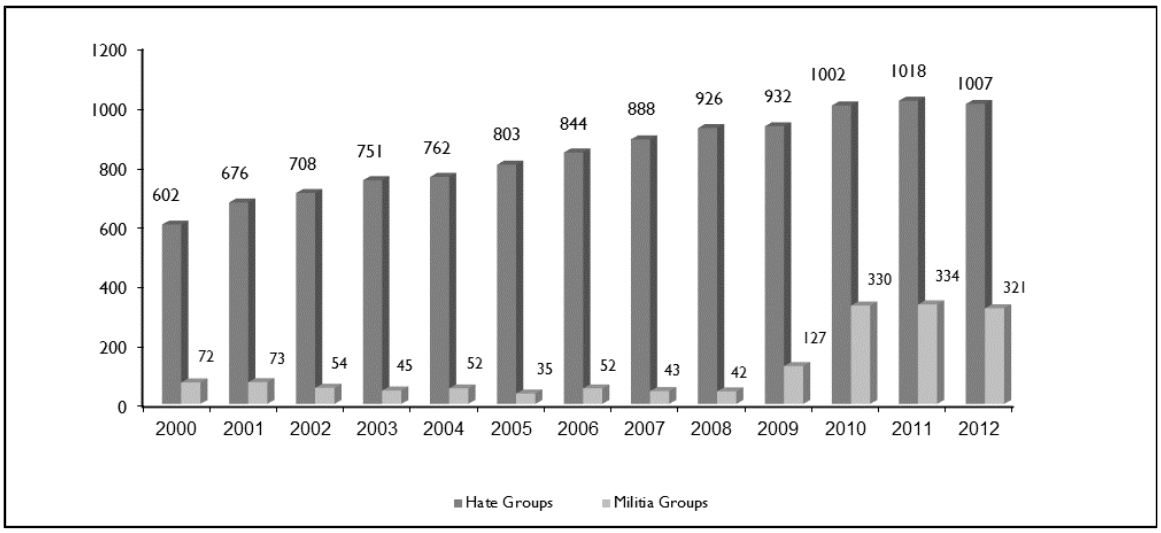
[278] Anti-Defamation League, "James von Brunn: An ADL Backgrounder," http://www.adl.org/main_Extremism/von_brunn_background.htm.

[279] The Southern Poverty Law Center has been criticized regarding its labeling of the Family Research Council, as a hate group for its opposition to gay rights. See Family Research Council, press release, "FRC, Members of Congress, Governors, and Conservative Leaders Release Open Letter Calling for Civil Debate, End to Character Assassination," December 15, 2010; Mark Potok, "SPLC Responds to Attack by FRC, Conservative Republicans," December 15, 2010; Sean Lengell, *Washington Times*, "Family Research Council Labeled a 'Hate Group,'" November 24, 2010.

militia groups resurged to levels not seen since the 1990s.[280] The SPLC's figures likely capture a range of activity broader than that described by DOJ and the FBI as domestic terrorism. Regardless, the SPLC argues that the rise is "driven by resentment over the changing racial demographics of the country, frustration over the government's handling of the economy, and the mainstreaming of conspiracy theories and other demonizing propaganda aimed at various minorities."[281] SPLC also assesses that 2010 was the first year ever that the number of hate groups topped 1,000 (**Figure 1**).

Figure 1. Hate Groups and Militia Groups, 2000-2012

According to the Southern Poverty Law Center



Source: Mark Potok, "The Year in Hate and Extremism," Southern Poverty Law Center, *Intelligence Report*, no. 149 (Spring 2013).

Notes: The Southern Poverty Law Center includes Ku Klux Klan, neo-Nazi, white nationalist, racist skinhead, Christian Identity, neo-Confederate, black separatist, and general hate groups in its hate group category. The organization goes on to elaborate that "Christian Identity describes a religion that is fundamentally racist and anti-Semitic. Black Separatist groups are organizations whose ideologies include tenets of racially based hatred. Neo-Confederate groups seek to revive many of the racist principles of the antebellum South. White Nationalist groups espouse white supremacy or white separatism but generally avoid anti-Semitism. General Hate groups espouse ideologies of hatred and include the sub-categories of Anti-Gay groups, Anti-Immigrant groups, Holocaust Denial groups, Racist Music labels, [and] Radical Traditionalist Catholic groups (which reject core Catholic teachings and espouse anti-Semitism)." The SPLC describes patriot groups and militias as anti-government, "engaging in groundless conspiracy theorizing or advocat[ing] or adher[ing] to extreme anti-government doctrines." The patriot or militia organizations counted by Southern Poverty Law Center do not necessarily "advocate or engage in violence or other criminal activities." Neither are they necessarily racist.

"Non-Violent" Strategies

While some domestic terrorism suspects engage in violent plotting, others commit much different crimes that do not physically harm people. This latter group differs from their homegrown violent jihadist counterparts, who are often bent on killing or harming people. Two types of activities that avoid visiting violence upon people but are commonly associated with subjects of domestic terrorism investigations stand out. First, many animal rights extremists, eco-terrorists, and anarchist extremists believe in "direct action." This typically involves what movement members

[280] Ibid., p. 42.

[281] Potok, "The Year," p. 41.

would characterize as *non-violent but criminal* protest or resistance activities furthering the movement's ideology. While direct action has a long legacy among anarchists, in recent years the ALF and the ELF have played a large role in articulating its meaning. Second, "paper terrorism" is a term used to describe some of the *non-violent* criminal activity committed by sovereign citizens involving the filing of fraudulent documents in the hopes of harassing enemies or bilking state or federal tax authorities.

Direct Action

Anarchist extremists, animal liberation extremists, and environmental extremists refer to much of their operational activity as "direct action." This term has a long history, and it can be used to describe legitimate protest such as letter writing campaigns or work stoppages. However, this report uses "direct action" to describe criminal activities such as sabotage and arson.[282]

ALF and ELF members understand that criminality and direct action are one and the same. *The Animal Liberation Primer,* a movement resource, highlights criminality in the actions of supporters: "anyone working in the ALF is a criminal. You have to begin to think like a criminal." ALF and ELF members also generally view direct action as nonviolent and heroic. Using politically charged language, the ALF allegedly styles itself along the lines of the Underground Railroad, freedom fighters in Nazi Germany, anti-Apartheid protestors, U.S. civil rights activists, and Palestinian groups opposing Israel.[283] The ELF views constitutionally protected protest as "state sanctioned" and eschews such activity. The ELF, much like the ALF, also wraps itself in the mantle of reformers and describes itself as inheriting the spirit of Luddites, abolitionists, suffragists, and even the American revolutionary-era Boston Tea Party.[284]

The ALF: "Live Liberations" and "Economic Sabotage"

The ALF's version of direct action is framed as what it considers to be "economic sabotage" or "ethical vandalism." The ALF supports the destruction of property and intimidation of individuals and businesses considered by the movement to be involved in the exploitation of animals. Cells and individuals linked to the ALF also engage in trespassing and theft, or what they perceive as "live liberations" or "rescuing" animals from "the horrors of exploitation"[285] and human use[286] by stealing them from places such as legitimate research facilities or farms. Economic sabotage can be virtual. The North American Animal Liberation Press Office (NAALPO) has carried claims of cyber hacking incidents in the name of animal rights.[287] NAALPO is one of the web-based

[282] According to the DOJ's Office of the Inspector General, the FBI "generally" defines "direct action" as, "criminal activity designed to cause economic loss or to destroy property or operations." See Department of Justice, Office of the Inspector General, Oversight and Review Division, *A Review of the FBI's Investigations of Certain Domestic Advocacy Groups,* (September 2010), p. 97; Darren Thurston, *The ALF Primer*, n.d. p. 4. DOJ believes Thurston authored the *Primer*, although he is not attributed as an author in the document. Hereinafter: Thurston, *The ALF Primer.* See also *Guide to Direct Action, 2010,* http://www.animalliberationfront.com/ALFront/Activist%20Tips/Direct_Action-Guide.htm; Earth Liberation Front.org, "Earth Liberation Front Frequently Asked Questions," Hereinafter: ELF, "FAQs." See also http://www.animalliberationfront.com/ALFront/ELF/elf_faq.pdf.

[283] NAALPO, "History."

[284] ELF, "FAQs."

[285] NAALPO, "History." A section of *The ALF Primer* describes both economic sabotage and live liberation as legitimate strategies. See Thurston, *The ALF Primer,* p. 2.

[286] Conn and Parker, *The Animal,* p. xvii.

[287] See North American Animal Liberation Press Office, communiqué, July 13, 2007.

vehicles used by ALF supporters to publicize criminal activities claimed on behalf of the movement.

The ELF: "Monkeywrenching"

Like the ALF, the ELF's discussions of direct action also revolve around economic sabotage. The ELF rejects legal protest tactics partly for what it views as pragmatic reasons—"because they have been proven not to work, especially on their own."[288] Economic sabotage in the name of environmentalism has a long history, perhaps stretching back to the 1950s,[289] and has been called "monkeywrenching," a term taken from a 1975 novel, *The Monkey Wrench Gang* by Edward Abbey. The book depicts such activity.[290] A guidebook that describes monkeywrenching offers what can be interpreted as a call to arms for would-be extremists:

> It is time for women and men, individually and in small groups to act heroically in the defense of the wild, to put a monkeywrench into the gears of the machine that is destroying natural diversity. Though illegal, this strategic monkeywrenching can be safe, easy, and—most important—effective.[291]

The guidebook also defines monkeywrenching as nonviolent by stressing that it should never target people or "other forms of life."[292]

Arson and Explosive Devices

Federal officials are especially concerned about the use of incendiary devices and explosives by animal rights extremists and eco-terrorists. In congressional testimony from 2005, then-ATF Deputy Assistant Director Carson Carroll stated that the "most worrisome" trend regarding animal rights extremists and eco-terrorists was their "willingness to resort to incendiary and explosive devices."[293]

This pronouncement came on the heels of two related incidents that occurred near San Francisco, CA, and involved explosive devices. An entity called the Revolutionary Cells of the Animal Liberation Brigade claimed responsibility for both attacks, which the FBI has also linked to a man named Daniel San Diego. In August 2003, two ammonium nitrate pipe bombs exploded at the campus of the biotechnology firm Chiron but caused little damage and no injuries. In October 2003, a reputed 10-pound ammonium nitrate bomb damaged the offices of Shaklee, a health, beauty, and household product company. No one was injured. The perpetrator(s) believed that both companies did business with Huntingdon Life Sciences (the same firm targeted by SHAC and discussed above). A related communiqué stressed that, "all customers and their families are considered legitimate targets."[294]

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[288] ELF, "FAQs."

[289] Bron Taylor, "The Tributaries of Radical Environmentalism," *Journal for the Study of Radicalism,* vol. 2, no. 1 (2008), p. 45.

[290] Edward Abbey, *The Monkey Wrench Gang*, 3rd ed. (Salt Lake City, UT: Dream Garden Press, 1985).

[291] Dave Foreman, "Strategic Monkeywrenching," in *Ecodefense: A Field Guide to Monkeywrenching*, ed. Dave Foreman and Bill Haywood, 3rd ed. (Chico, CA: Abzug Press, 1993), p. 8. Hereinafter: Foreman, "Strategic Monkeywrenching." Foreman was a founder of Earth First! See Anti-Defamation League, *Ecoterrorism.*

[292] Dave Foreman, "Strategic Monkeywrenching," p. 9.

[293] Statement of Carson Carroll, p. 43.

[294] Stacy Finz, "Militants Say They Planted Shaklee Bomb," *San Francisco Chronicle*, October 1, 2003, http://articles.sfgate.com/2003-10-01/bay-area/17512148_1_pipe-bombs-shaklee-chiron; Stacy Finz, Bernadette Tansey, "2 Bombs Shatter Biotech Firm's Windows," August 29, 2003. The FBI assessed that the devices may have

One commentator has suggested that the combination of "fire" as a tactic and instilling "fear" as a goal ensures eco-terrorists will continue to warrant the terrorist label.[295] Both animal rights extremists and eco-terrorists have histories of using incendiary devices to damage or destroy property—the Vail, CO, fire (mentioned elsewhere in this report) setting a prominent example for extremists. In fact, one of the hallmark publications circulated in extremist circles is a handbook on how to fashion incendiary devices titled *Arson Around with Auntie ALF*.[296] A recent example underscores this focus on arson.

- In January 2012, NAALPO issued a communiqué in which "unnamed activists" claimed responsibility for setting fires that damaged 14 tractor trailer rigs at the Harris Ranch, a cattle feedlot in Coalinga, CA. The perpetrators used containers of accelerant, kerosene-soaked rope, and digital timers to set the blazes. According to the communiqué, the fires apparently embodied a reaction to "the horrors and injustices of factory farming."[297]

Some ELF adherents have focused on targets they perceive as emblematic of urban sprawl[298] or the excesses of industrialized society. Since 2000, a number of ELF actions have involved the torching of housing projects as well as activities such as the damaging and destruction of sports utility vehicles and other emblems of industrialized society and urban sprawl.[299] Between August and October 2002, three individuals tied to the ELF damaged construction vehicles and sports utility vehicles, and vandalized fast food restaurants in Virginia. In one incident, these individuals vandalized two homes under construction, spray painting "sprawl" on one of the structures. In November 2005, the ELF claimed responsibility for fires set in five townhomes under construction in Hagerstown, MD.[300] Similar activity has occurred on the West Coast.[301]

been intended to harm people. The second Chiron bomb was timed to explode after the first, "an apparent strike at first responders," while the Shaklee bomb was wrapped in nails, "to significantly increase its lethality to anyone in the area at the time of the detonation." See U.S. Congress, Senate Committee on Environment and Public Works, "Statement of John E. Lewis, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation," *Eco-Terrorism Specifically Examining Stop Huntingdon Animal Cruelty ("SHAC")*, 109th Cong., 1st sess., October 26, 2005, 109-1005 (Washington: GPO, 2008), p. 7. In April 2009, the FBI placed Daniel San Diego on its Most Wanted Terrorists List for his involvement in the bombings. See Heimbach, press conference. The Bureau also tied him to SHAC. He had slipped away from FBI surveillance in October 2003. See Federal Bureau of Investigation, "New Most Wanted Terrorist," April 21, 2009. Hereinafter: FBI, "New Most Wanted"; "Daniel Andreas San Diego," *America's Most Wanted.*

[295] Grubbs, "Saving Lives," p. 370.

[296] Auntie ALF, Uncle ELF, and the Anti-Copyright Gang, *Arson-Around with Auntie ALF: Your Guide for Putting the Heat on Animal Abusers Everywhere,* 2001. Hereinafter: *Arson-Around.*

[297] See North American Animal Liberation Press Office, communiqué, January 10, 2012; Henry K. Lee, "14 Cattle Trucks Burned in Arson at Harris Ranch," *San Francisco Chronicle,* January 11, 2012. For other examples, see Peter Young, "Fire and Explosions Rock Oregon Mink Farm," July 28, 2010, North American Animal Liberation Press Office; J.M. Brown, "A Year after Firebombings, No Arrests, Though Awareness Remains among Scientists," *Santa Cruz Sentinel,* August 2, 2009; John Coté, "Firebombings Suggest New Tactic for Animal Activists," *San Francisco Chronicle,* August 5, 2008; Shanna McCord, "FBI to Take Over Santa Cruz Firebombs Case," *Monterey County Herald,* August 4, 2008; Anti-Defamation League, '"Justice Department' Claims Responsibility for Threats against UCLA Animal Researcher," December 3, 2010. Hereinafter: Anti-Defamation League, '"Justice Department.'"

[298] Brad Knickerbocker, "Firebrands of 'Ecoterrorism' Set Sights on Urban Sprawl," *Christian Science Monitor,* August 6, 2003. Hereinafter: Knickerbocker, "Firebrands."

[299] Anti-Defamation League, "Radical Environmentalist Group Suspected in San Diego Arson," August 8, 2003; Knickerbocker, "Firebrands"; Chris Dixon, "Arrest in Vandalism of S.U.V.s," *New York Times*.

[300] Federal Bureau of Investigation, *Terrorism 2002-2005,* http://209.235.0.153/publications/terror/terrorism2002_2005.htm.

[301] "Activists Topple Towers, Claim Dangers of AM Radio Waves," *CNN.com*, September 4, 2009, http://articles.cnn.com/2009-09-04/justice/washington.towers.terrorism_1_elf-radio-station-radio-waves?_s=

Guidelines

Both the ALF and the ELF have established guidelines and posted them on the web for cells or lone wolves to follow. The guidelines are straightforward and short for both movements (see **Figure 2**). A key point in the guidelines for both the ALF and the ELF is to avoid harming any animal, human and non-human.[302] The ALF also stipulates that individuals professing affiliation with the movement must be vegetarians or vegans.[303]

Interestingly, the ALF employs a number of caveats in its understanding of violence. On the one hand, it supports intimidation as a tactic. On the other, the movement does not see intimidation as potentially involving violence.[304] The ALF also views arson as "violence against property," not people.[305] Beyond this, ALF does not greatly elaborate on its notion of violence.

Figure 2. ALF and ELF Guidelines

Animal Liberation Front

To Liberate animals from places of abuse, i.e. laboratories, factory farms, fur farms, etc., and place them in good homes where they may live out their natural lives, free from suffering.

To inflict economic damage to those who profit from the misery and exploitation of animals.

To reveal the horror and atrocities committed against animals behind locked doors, by performing direct actions and liberations.

To take all necessary precautions against harming any animal, human and non-human.

To analyze the ramifications of any proposed action and never apply generalizations (e.g. all 'blank' are evil) when specific information is available.

Environmental Liberation Front

To cause as much economic damage as possible to a given entity that is profiting off the destruction of the natural environment and life for selfish greed and profit,

To educate the public on the atrocities committed against the environment and life,

To take all necessary precautions against harming life.

Source: CRS graphic based on ALF and ELF guidelines.

Notes: For ALF guidelines, see http://www.animalliberationfront.com/ALFront/alf_credo.htm. For ELF guidelines, see http://www.animalliberationfront.com/ALFront/ELF/elf_faq.pdf

Exceptions

Some animal rights extremists support violence. For example, in February 2012 Meredith Lowell was arrested for allegedly using a Facebook page she created (under an assumed name) to solicit a hit man to kill "someone who is wearing fur."[306] In the investigation, the FBI used an

PM:CRIME; "Officials: No Explosive Devices Found at Scene of Seattle-Area House Fires," *Fox News,* March 4, 2008; Debera Carlton Harrell, Aubrey Cohen, and Paul Shukovsky, "'Street of Dreams' Houses Torched; Eco-Terrorists Suspected," *Seattle Post-Intelligencer,* March 4, 2008; "Camano Island Mansion Fire Ruled Ecoterrorist Arson," KOMO News.Com, January 20, 2006.

[302] For ALF guidelines, see http://www.animalliberationfront.com/ALFront/alf_credo.htm. For ELF guidelines, see http://www.animalliberationfront.com/ALFront/ELF/elf_faq.pdf.

[303] Ibid.

[304] Ibid.

[305] See North American Animal Liberation Front, "Frequently Asked Questions about the North American Animal Liberation Press Office."

[306] James Ewinger, "Cleveland Heights Woman Charged with Using Facebook to Hire Killer," *Cleveland Plain Dealer,*

undercover employee to pose as a hit man and communicate with Lowell online. She was arrested before anyone could be harmed.[307]

An animal rights extremist entity named the "Justice Department" believes in the efficacy of violence against humans.[308] Founded in the United Kingdom in 1993, the "Justice Department" has been described as an offshoot of the ALF.[309] In 1999, the first incident claimed in its name on U.S. soil involved the mailing of more than 80 envelopes containing razor blades allegedly positioned to cut recipients. Some of the razors may have been covered in rat poison. The letters were received by animal researchers, hunting guides, and others in the United States and Canada.[310] In November 2010, individuals asserting ties to the "Justice Department" mailed two communiqués to NAALPO. The missives claimed that "Justice Department" extremists had mailed AIDS-tainted razors to two scientists at the University of California, Los Angeles.[311] One of the communiqués read:

> We are the past generation of animal liberationists, but we will now be the future, striking at the heart of the vivisection industry, and if we have to go back to egg timers and insence [sic] sticks then we will. Mark our words, we will destroy all who fall into our focus.[312]

Presumably, allusion to egg timers and incense sticks suggests timing devices and fuses for explosive or incendiary devices.[313]

"Paper Terrorism": Liens, Frivolous Lawsuits, and Tax Schemes

Sovereign citizens have committed non-violent crimes based on their ideological underpinnings.[314] These are often bundled under the concept of "paper terrorism."[315] This concept can include forging documents (fake money orders and bad personal checks, for example), failing to pay taxes, phony tax filings, and presenting sham legal arguments in court. Sovereign citizens have filed fraudulent property liens against their foes.[316] Some sovereigns hold illegal courts and

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February 21, 2012, http://blog.cleveland.com/metro/2012/02/heights_woman_charged_with_usi.html.

[307] Ibid.

[308] North American Animal Liberation Press Office, press release, "Liberationist Group 'Justice Department' Increasingly Vocal on Animal Abuse," November 23, 2010. Hereinafter: NAALPO, "Liberationist Group."

[309] Anti-Defamation League, '"Justice Department.'"

[310] Ibid; Southern Poverty Law Center, "Eco-Violence: The Record," *Intelligence Report*, Southern Poverty Law Center, no. 107 (Fall 2002).

[311] NAALPO, "Liberationist Group."

[312] Ibid.

[313] *Arson-Around*, pp. 16-17 describes assembly of an incendiary device incorporating incense sticks as a fuse. Incense sticks have been used as fuses for incendiary devices by ELF and ALF activists. See Federal Bureau of Investigation, *Terrorism 2000-2001*, 2004, p. 4, for an example of an ELF incident. For additional examples involving the cell known as "The Family" active with both the ALF and the ELF, see *U.S. v. Dibee et al*. Kitchen timers are discussed in William Rodgers and Stanislas Meyerhoff, *Setting Fires with Electrical Timers: An Earth Liberation Front Guide*, May 2001, pp. 15-17. Although the document lists no authors, DOJ believes that Rodgers and Meyerhoff wrote it. They were members of "The Family" which also used kitchen timers in its incendiary devices. See *United States v. Joseph Dibee et al*, Indictment, CR 06-60011-AA, District Court, District of Oregon, January 19, 2006.

[314] Department of Homeland Security and the Federal Bureau of Investigation, *Sovereign Citizen Group Calls for Removal of U.S. Governors*, March 29, 2010, p. 2. Hereinafter: "*Sovereign Citizen Group Calls.*"

[315] For an example of the use of this oft-used term, see Department of Justice, press release, "Member of Anti-Government Movement Pleads Guilty to Laundering Money for FBI Undercover Agents," March 25, 2011.

[316] One source has defined a lien as "a claim encumbrance or charge on property for payment of a debt or obligation." Liens can be consensual or nonconsensual. They can be statutory or derive from common law. An example of a nonconsensual common law lien is "when a mechanic refuses to return a car until repairs are paid for." See Robert

target officials with fake criminal indictments. They can also "issue warrants for judges and police officers."[317]

Retaliatory Filings

While these acts may not be violent, they are frequently "designed to intimidate or defraud targeted individuals, private institutions, or government entities."[318] Thus, some sovereigns saddle their opponents with time-consuming legal efforts to wipe out sham retaliatory court filings. As a result, sovereign foes incur court fees and their credit ratings potentially suffer. In some cases, these proceedings arise from what most citizens might consider fairly mundane run-ins with law enforcement authorities. Some sovereigns do not necessarily see violations like parking tickets and trespassing arrests as run-of-the-mill. They can react to such encounters with police by challenging the very authority and jurisdiction of U.S. law enforcement and by harassing officials with dubious liens, for example.

- In November 2011, Kenneth W. Leaming, from Spanaway, WA, was arrested for allegedly issuing billions of dollars in frivolous liens to intimidate public officials enforcing laws against sovereign citizens. Reportedly, he had been tied to other sovereign citizen adherents and groups. Also, he purportedly planned to harass the children of U.S. Supreme Court Chief Justice John Roberts.[319] In 2013, Leaming was convicted of "three counts of filing false liens against federal officials and one count of harboring federal fugitives and being a felon in possession of firearms."[320]

Redemption

Sovereign citizen guru Roger Elvick is the reputed founder of "redemption,"[321] a concept that blurs the line between sovereign citizen ideology and pure scam. Redemption suggests that when the United States left the gold standard during the Great Depression, the nation found a way to monetize people. According to the theory, each child who is born in the United States and has a birth certificate also has a U.S. Treasury account "valued from $630,000 to more than $3

Chamberlain and Donald P. Haider-Markel, "'Lien on Me': State Policy Innovation in Response to Paper Terrorism," *Political Research Quarterly,* vol. 58, no. 3 (September 2005), p. 450.

[317] Ibid.; Federal Bureau of Investigation, "Sovereign Citizen." See also Christopher A. Young, "Minnesota Has New Weapons in the Fight Against 'Paper Terrorism,'" *Hennepin Lawyer,* August 28, 2007, http://hennepin.timberlakepublishing.com/article.asp?article=1148.

[318] *"Sovereign Citizen Group Calls,"* p. 2.

[319] Levi Pulkkinen, "FBI: Spanaway 'Sovereign Citizen' Planned to Track Down Justice's Children," *Seattle Post-Intelligencer,* November 28, 2011; Anti-Defamation League, "Little Shell Pembina Band," http://www.adl.org/learn/ext_us/little_shell.asp?learn_cat=extremism&learn_subcat=extremism_in_america&xpicked=3&item=little_shell. For other examples, see Rick Montgomery, "Sovereign Citizens: Crackpots, Crooks, or Defenders of Liberty?" *Kansas City Star,* November 26, 2011. Hereinafter: Montgomery, "Sovereign Citizens."

[319] Marnie Eisenstadt, "Fringe Group Terrorizes Small-Town Officials with False Liens," *The Post Standard,* May 23, 2011; Montgomery, "Sovereign Citizens;" Marnie Eisenstadt, "Fringe Group Terrorizes Small-Town Officials with False Liens," *The Post Standard,* May 23, 2011; "Two Admit Scheme to Defraud Public Employees," *Daily Freeman,* January 14, 2011, http://www.dailyfreeman.com/articles/2011/01/14/blotter/doc4d2fb54d3189f270459164.txt; Michael Virtanen, "NY Man's Sentencing Put Off in Liens Case," *Associated Press,* July 12, 2011.

[320] Department of Justice, press release, "Four Convicted in Sovereign Citizen Investigation," March 7, 2013.

[321] "His 'Straw Man' Free, a Scammer Finds the Rest of Him Isn't," *Intelligence Report,* Southern Poverty Law Center, Issue 118, (Summer 2005). Hereinafter: Southern Poverty Law Center, "His Straw Man Free."

million"[322] viewed as collateral against the nation's debts. Redemption supporters hold that by filing certain forms with state or federal authorities, people can draw money from these accounts. To do so, they occasionally attempt to pass bogus checks.[323]

On a broad level, redemption can be viewed as an ideologically driven tactic meant to illegally wrangle money from the U.S. government via the IRS. According to DOJ, in some instances this involves the filing of "a series of false IRS forms, including tax returns, amended returns, and Forms 1099 (including Form 1099-OID) or Forms W-2, to request fraudulent tax refunds based on phony claims of large income tax withholding."[324]

In addition, DOJ describes some redemption adherents as scammers who dupe customers into filing false IRS forms to redeem money via the purported secret accounts the government holds for its citizens.[325] One guru recently pled guilty to money laundering charges.[326] In another case, in December 2009 Audie Watson received a 14-year prison sentence for his involvement in an immigration benefit fraud scheme that sold membership in the Pembina Nation Little Shell Band to illegal aliens. Watson and co-conspirators charged individuals $1,500 and couples $2,000. They conned clients into believing that membership could be used to avoid removal from the United States.[327]

- In March 2011, DOJ announced that the U.S. District Court for the Western District of Missouri had permanently barred Gerald A Poynter "from preparing tax returns for others and from promoting" a redemption scam.[328] Poynter informed his customers that he could obtain tax refunds for them, charged them for his services, and then produced fraudulent IRS forms claiming $64 million in refunds for 165 customers.[329]

The Internet and Domestic Terrorists

In the counterterrorism world, there has been much concern regarding violent jihadist use of the Internet.[330] However, domestic terrorists also are computer savvy and active online. One count

[322] FBI Counterterrorism Analysis Section, "Sovereign Citizens."

[323] Elvick promoted his ideas in the 1980s, and was jailed for much of the 1990s as well as in the next decade because of passing bad checks, forgery, extortion, and corruption. See Ibid.; Southern Poverty Law Center, "His Straw Man Free"; For a description of redemption, see Institute for Intergovernmental Research, *Investigating Terrorism,* pp. 70-71.

[324] Department of Justice, press release, "Government Files Seven Lawsuits Nationwide to Block Alleged Scheme Involving Fraudulent Tax-Refund Claims," October 28, 2009.

[325] Ibid.

[326] Carri Greer Thevenot, "Idaho Man Pleads Guilty to Money Laundering," *Las Vegas Review-Journal,* March 25, 2011.

[327] Immigration and Customs Enforcement, press release, "South Florida Man Sentenced to 14 Years in Prison for Immigration Fraud," December 8, 2009.

[328] Department of Justice, press release, "Federal Court Shuts Down Missouri Tax Preparer Who Promoted Tax Scam," March 28, 2011. For the injunction, see http://www.justice.gov/tax/Poynter_Injunction.pdf.

[329] Ibid.

[330] For example, see Edna Erez, Gabriel Weimann, and A. Aaron Weisburd, "Jihad, Crime, and the Internet: Content Analysis of Jihadist Forum Discussions," October 31, 2011, Report submitted to the National Institute of Justice in fulfillment of requirements for Award Number 2006-IJ-CX-0038; Akil N. Awan, "The Virtual Jihad: An Increasingly Legitimate Form of Warfare," *CTC Sentinel*, vol. 3, no. 5 (May 2010), p. 11; Gilbert Ramsay, "Relocating the Virtual War," *Defence Against Terrorism Review*, vol. 2, no. 1 (Spring 2009), p. 34; Tim Stevens, "Regulating the 'Dark Web:' How a Two-Fold Approach Can Tackle Peer-to-Peer Radicalisation," *The RUSI Journal,* vol. 154, no. 2 (April 2009), p. 29; Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenge* (Washington, DC: United States

suggested that 657 U.S.-based hate websites existed in 2010.[331] A web presence may help extremist groups—sometimes relatively small, with rosters in the 100s or fewer—educate their existing membership and forge a group identity. Also, in many instances they can use websites to focus on outsiders to propagandize, socialize, and recruit new adherents.[332] A few domestic terrorists also have exploited the web to harm their targets.

White supremacists have long been using computer technology to communicate and interact. As one study has suggested, white supremacists "were among the very early users of the electronic communication network that eventually evolved into the Internet."[333] Among a variety of findings, the study indicated that white supremacist extremist websites were possibly an effective recruiting tool that the groups exploited. Membership forms are available on some sites. Others exhibit multimedia material, and some actually retail items such as music and video games.[334] The Internet allows individuals and groups to connect with one another and to disseminate ideology.[335] It also enables groups to manage how others perceive them. Many white supremacist sites claim that their sponsoring groups are non-violent and not even racist.[336]

Some white supremacists may be unwilling to affirm their views in public spaces such as work, school, or in street demonstrations. To them, the virtual realm is an important antidote. As one study has suggested, "free spaces" in both the real and virtual worlds—where conflict with non-believers will be minimized—are important for adherents. In them they can "meet, articulate, and support their views."[337] Supremacists can turn to virtual free spaces to receive indoctrination into movement culture, key narratives outlining movement grievances, adopt ideologies, and "talk of violence against 'racial enemies.'"[338]

Much of this online ideological activity involves constitutionally protected speech. A number of examples stand out.

- The ALF and the ELF have their long-established guidelines posted on the web for independent groups or individuals to follow.[339] Movement websites virtually connect like-minded individuals. As mentioned elsewhere in this report, key ideological texts are also made available online.[340] The websites of animal rights

Institute of Peace Press, 2006); Maura Conway, "Terrorism and Mass Communication: Nitro to the Net," *The World Today*, vol. 60, no. 8/9 (Aug/Sep 2004), pp. 19-22, http://doras.dcu.ie/513/1/nitro_to_net_2004.pdf.

[331] Potok, "The Year," p. 50. This count included web pages "from Ku Klux Klan, Neo-Nazi, White Nationalist, Racist Skinhead, Christian Identity, Neo-Confederate, Black Separatist, and General Hate groups."

[332] Jeffrey Kaplan, Leonard Weinberg, and Ted Oleson, "Dreams and Realities in Cyberspace: White Aryan Resistance and the World Church of the Creator," *Patterns of Prejudice*, vol. 37, no. 2 (2003), pp. 149-150.

[333] Phyllis B. Gerstenfeld, Diana R. Grant, Chau-Pu Chiang, "Hate Online: A Content Analysis of Extremist Internet Sites," *Analysis of Social Issues and Public Policy*, vol. 3, no. 1, (2003), p. 29. Hereinafter: Gerstenfeld et al., "Hate Online."

[334] Ibid.

[335] See Josh Adams and Vincent J. Roscigno, "White Supremacists, Oppositional Culture, and the World Wide Web," *Social Forces*, vol. 84, no. 2 (December 2005), pp. 759-778.

[336] Gerstenfeld et al., "Hate Online," pp. 33-41.

[337] Pete Simi, Robert Futrell, "Cyberculture and the Endurance of White Power Activism," *Journal of Political and Military Sociology*, vol. 34, no. 1 (Summer 2006), p. 117. Hereinafter: Simi and Futrell, "Endurance."

[338] Ibid., 122-126, 131. Some free spaces exist in the real world. Examples include the privacy of the home, supremacist events such as conferences, isolated compounds or communities, and ideologically-focused musical concerts.

[339] See http://www.animalliberationfront.com/ALFront/alf_credo.htm; ELF, "What Is the Earth?"

[340] Anti-Defamation League, *Ecoterrorism: Extremism in the Animal Rights and Environmentalist Movements*.

extremists and eco-terrorists also post press releases publicizing crimes perpetrated on behalf of the movements.[341]

- Reverend Donald Spitz administers the Army of God's website.[342] Among other things, the site includes lists of people who support "violent opposition to abortion" as well as listing people incarcerated because of anti-abortion crimes they committed.[343]
- The National Socialist Movement sponsors its own social networking site, the "New Saxon Social Network."[344]

Some domestic terrorists also engage in cyber attacks. According to DOJ, an animal rights extremist cell (SHAC USA, Inc.) active between 2001 and 2004 listed online the personal information—names, addresses, phone numbers—of workers at a firm it was targeting. (The business uses animals in its research.) The extremist cell likely devised the list to help focus the activities of the group's online followers. In some cases, the published information included the names of spouses and children of employees, license plate numbers, churches attended by the employees, as well as the schools their children attended. The websites used by the extremist cell also posted suggestions for action by supporters—including what it described as the "top 20 terror tactics."[345] Supporters across the United States vandalized victims' homes and automobiles and engaged in cyber attacks against the research firms and other companies tied to it, among other activities.[346]

In January 2009, in an unclassified assessment available on the Internet, DHS stated that "leftwing" extremists were likely to increasingly use cyber attacks. The assessment noted that animal rights extremists engaged in cyber attacks such as "deletion of user accounts, flooding a company's server with e-mails, and other types of e-mail assaults intended to force businesses to exhaust resources."[347]

Hereinafter: Anti-Defamation League, *Ecoterrorism.*

[341] See http://www.animalliberationfront.com/; http://www.animalliberationpressoffice.org/; and http://www.earthliberationfront.org/.

[342] Jefferis, *Armed for Life,* p. 53.

[343] Ibid., p. 77.

[344] See http://newsaxon.org/.

[345] Department of Justice, *White Paper,* p. 60; *United States v. Stop Huntingdon Animal Cruelty USA, Inc., et al,* Superseding Indictment, CR 04-373, District Court, District of New Jersey, n.d. Hereinafter: Department of Justice, *United States v. Stop Huntingdon.* The "top 20 terror tactics" included activity such as: "demonstrations at one's [a target's] home using a loudspeaker; abusive graffiti, posters and stickers on one's car and house; invading offices and, damaging property and stealing documents; chaining gates shut, and blocking gates; physical assault including spraying cleaning fluid into one's eyes; smashing the windows of one's house while the individual's family was at home; flooding one's home while the individual was away; vandalizing one's car; firebombing one's car; bomb hoaxes; threatening telephone calls and letters including threats to kill or injure one's partner or children; e-mail bombs in an attempt to crash computers; sending continuous black faxes causing fax machines to burn out; telephone blockades by repeated dialing to prevent the use of the telephone; and arranging for an undertaker to call to collect one's body."

[346] According to the superseding indictment in the case, the cell also placed reports of intimidation and vandalism on its websites to encourage its followers. See Department of Justice, *United States v. Stop Huntingdon.*

[347] Department of Homeland Security, *Leftwing Extremists Likely to Increase Use of Cyber Attacks over the Coming Decade,* January 26, 2009.

A Decentralized Threat

Domestic terrorism can be described as a decentralized threat. As this report has already suggested, domestic terrorism suspects generally operate on their own or in small, independent cells. In other words, they do not necessarily belong to organizations with cohesive, well-articulated leadership structures or cadres.

However, independently acting domestic terrorism suspects are not necessarily isolated, adrift, and cut off from any outside contact or influence. Some take ideological cues from broader movements or groups espousing extremist ideas. These groups or movements publicly disavow violent criminal behavior and engage in constitutionally protected activities. This dynamic—the interplay between above-ground groups or movements proffering extremist dogma or ideology (protected speech) that is then consumed and acted upon by independent underground groups or cells who commit crimes—is a critical feature of domestic terrorism.

Leaderless Resistance

Within the domestic terrorism realm, the notions of decentralized activity received attention in the 1980s and early 1990s when white supremacist Louis Beam circulated his theories of "leaderless resistance."[348] He saw leaderless resistance as a means to transform the white supremacy movement. Beam described it as a means of avoiding law enforcement infiltration of white supremacist groups, and he suggested *two levels* of leaderless movement activity. First, on an operational level, militant, underground, ideologically motivated cells or individuals (lone wolves) engage in movement-related illegal activity without any centralized direction or control from an organization that maintains traditional leadership positions and membership rosters. Second, on another level, the above-ground public face (the "political wing") of the movement propagandizes and disseminates ideology—engaging in protected speech. In this system, underground cells or lone wolves would be responsible for their own actions, and the public face of the movement would not be held accountable.[349]

Online comments from the leadership of the neo-Nazi National Socialist Movement (NSM) offer a specific example of an above-ground movement avoiding violence and the terrorist label. The NSM's leader has posted the following statement on the group's website:

> I want it made perfectly clear to all of our members, supporters, prospective members, readers, etc. that the National Socialist Movement condemns illegal actions and in such we do not endorse any acts of violence or terrorism. The NSM is a White Civil Rights Movement that adheres to Political activism, and a legal means to restore America to its

[348] He was a Ku Klux Klan (KKK) and Aryan Nations activist.

[349] Paul Joosse, "Leaderless Resistance and Ideological Inclusion: The Case of the Earth Liberation Front," *Terrorism and Political Violence*, vol. 19, no. 3 (September 2007), pp. 351-368. Hereinafter: Joosse, "Leaderless Resistance." Fred Burton, "The Challenge of the Lone Wolf," *STRATFOR,* May 30, 2007; Hereinafter: Burton, "The Challenge." Southern Poverty Law Center, "Louis Beam," http://www.splcenter.org/get-informed/intelligence-files/profiles/louis-beam; Anti-Defamation League, "Louis Beam," http://www.adl.org/learn/ext_us/beam.asp?xpicked=2&item=beam. Beam secretly discussed leaderless resistance among white supremacists and anti-government extremists as early as 1983. See Wright, *Patriots,* p. 87. Forms of leaderless resistance likely have a long history. For example, late-nineteenth-century anarchists can be seen as having engaged in a type of leaderless resistance in their rejection of organized authority. See Jean-Marc Flükiger, "The Radical Animal Liberation Movement: Some Reflections on Its Future," *Journal for the Study of Radicalism,* vol. 2, no. 2 (2009), pp. 112. Hereinafter: Flükiger, "The Radical." See also Ramón Spaaij, "The Enigma of Lone Wolf Terrorism: An Assessment," *Studies in Conflict and Terrorism,* vol. 33, no. 9 (2010), p. 859. Hereinafter: Spaaij, "The Enigma."

> former glory. Acts of violence or terrorism against America, or its Citizens is unacceptable, and not tolerated within the ranks of the National Socialist Movement.[350]

"The Turner Diaries"

One of the key texts read by neo-Nazis and anti-government extremists is *The Turner Diaries,* a 1978 novel by William Pierce, the deceased founder of the neo-Nazi group National Alliance.[351] This book can be seen as an above-ground product that motivates underground cells or individuals to commit crimes. The book has partly inspired a number of violent acts by white supremacist extremists and anti-government extremists.

The Turner Diaries predates the widespread acceptance of the "leaderless resistance" concept. However, its lasting place in the neo-Nazi and anti-government extremist movements highlights how leaderless resistance works. Pierce's book has been described as "the most widely read book among far-right extremists."[352] The novel reflects the author's own racist religious philosophies.[353] Perhaps 500,000 copies of the book have been sold.[354] In it, Pierce emphasized that the current racial order of things had to be cataclysmically destroyed and reborn in accordance with white supremacist ideals.[355] To convey this message, he devised his book as the edited diaries of neo-Nazi character Earl Turner. As such, Turner's story is annotated by a fictionalized editor, one Andrew Macdonald. The novel describes Turner leading a terrorist group whose actions trigger a race war that results in the overthrow of the government—controlled by Jews in Pierce's construction. Turner also initiates a nuclear war that wipes out earth's non-white human inhabitants. The atomic apocalypse allows for the rebirth of a revitalized white race.[356]

The book has informed the activities of domestic terrorists. In September 1983, white supremacist Robert Mathews formed a small underground group known as The Order. Its inspiration came from passages in *The Turner Diaries.* The group planned for and engaged in what it viewed as a revolution.[357] Over the next 15 months, The Order went on a violent crime spree. Among other crimes, it robbed banks, armored cars, electronic stores, a truck stop, and a video store, and allegedly gave some of the spoils to Richard Butler, who was at the time the leader of the WSE

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[350] Jeff Schoep, "CDR Jeff Schoep Denounces Violence & Domestic Terrorism."

[351] Renee Brodie, "The Aryan New Era: Apocalyptic Realizations in *The Turner Diaries*," *Journal of American Culture,* vol. 21, no. 3, (fall 1998), pp. 13-22.

[352] Anti-Defamation League, "*The Turner Diaries*," 2005, http://www.adl.org/learn/Ext_US/turner_diaries.asp.

[353] See Brad Whitsel, "*The Turner Diaries* and Cosmotheism: William Pierce's Theology," *Nova Religio: The Journal of Alternative and Emergent Religions,* vol. 1, no. 2 (April 1998), pp. 183-197. Hereinafter: Whitsel, "*The Turner Diaries*."

[354] Freilich, Chermak, and Caspi, "Critical Events," p. 505. Another estimate dating back to 2001 places the number sold at 300,000. See Rob McAlear, "Hate, Narrative, and Propaganda in *The Turner Diaries*," *The Journal of American Culture,* vol. 32, no. 3 (September 2009), p. 192. Hereinafter: McAlear, "Hate, Narrative."

[355] George Michael, "The Revolutionary Model of Dr. William L. Pierce," *Terrorism and Political Violence,* vol. 15, no. 3 (Autumn 2003), p. 75.

[356] Whitsel, "*The Turner Diaries*," p. 185; Terence Ball and Richard Dagger, "*The Turner Diaries*: Neo-Nazi Scripture," *PS: Political Science and Politics,* vol. 30, no. 4, (December 1997), pp. 717-718. McAlear, "Hate, Narrative," p. 196.

[357] Wright, *Patriots,* pp. 87-88; Anti-Defamation League, "Richard Scutari," http://www.adl.org/learn/ext_us/scutari.asp?xpicked=2&item=scutari. Hereinafter: Anti-Defamation League, "Scutari." Zeskind, *Blood and Politics,* pp. 96-100.

group Aryan Nations. The Order also bombed a synagogue and murdered a Jewish talk show host, Alan Berg, before it was dismantled by federal law enforcement.[358]

Anti-government extremist Timothy McVeigh, an avid reader of the book, had passages from the *Turner Diaries* with him when he was arrested. The 1995 bombing of the Alfred P. Murrah federal building in Oklahoma City mimicked one described in the novel and involved a small cell of underground conspirators.[359] Sales of the book allegedly rose after the bombing.[360]

The ALF, the ELF

The concept of leaderless resistance has been mirrored by other extremist movements in the United States. Both the ALF and the ELF have rejected recognizable leadership structures or hierarchies and follow a leaderless resistance model instead, making their activities more difficult for law enforcement to investigate.[361] According to the model, above-ground elements in the movements provide guidelines and an ideological platform that underground individuals (lone wolves) or independent cells can draw upon to motivate their own criminal actions. Exercising First-Amendment rights, the above-ground components of the ALF and the ELF lawfully communicate shared identities largely via websites. As one scholar has suggested for the ELF, this possibly creates a broad consensus focused on a very specific cause and avoids internecine conflicts over ideological fine points.[362] Much like the NSM, the above-ground elements of the ALF take pains to distinguish themselves from criminal activity. For example, NAALPO states:

> Disclaimer: The Animal Liberation Press Officers do not engage in illegal activities, nor do they know any individuals who do. Rather, the Press Office receives and posts communiqués from anonymous parties and provides comment to the media.[363]

Additionally, the above-ground literature of both the ALF and the ELF suggests that independent cells avoid communication with one another.[364] This leaderless format is followed to avoid law enforcement infiltration and is based on models used by other domestic terrorists. As one scholar has suggested, this parallels franchising in the business world.[365]

Lone Wolves

Some domestic terrorists are "lone wolves." This can be seen as a form of leaderless resistance. One scholar has offered a succinct conceptualization:

> Lone wolf terrorism involves terrorist attacks carried out by persons who (a) operate individually, (b) do not belong to an organized terrorist group or network, and (c) whose modi operandi are conceived and directed by the individual without any direct outside command hierarchy.[366]

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[358] Balch, "The Rise and Fall," 87, 109; Wright, *Patriots,* p. 86-89.

[359] McAlear, "Hate, Narrative," p. 192; Wright, *Patriots,* pp. 6, 10.

[360] Freilich, Chermak, and Caspi, "Critical Events," p. 505.

[361] Ackerman, "Beyond Arson," p. 151.

[362] Joosse, "Leaderless Resistance," p. 352, 354.

[363] NAALPO, "History."

[364] Thurston, *The ALF Primer,* p. 1. See also *United States v. Joseph Dibee et al,* Indictment, CR 06-60011-AA, District Court, District of Oregon, January 19, 2006; Leader and Probst, "The Earth Liberation Front," pp. 37-58.

[365] Flükiger, "The Radical," pp. 111-119.

[366] Ibid., p. 856.

Lone wolves have committed crimes in the names of a number of domestic terrorism movements. For example, according to the FBI, when it comes to violence attributed to white supremacist extremism, lone wolves play a prominent role. Lone wolves filter in and out of WSE groups. They can either get dismissed from these groups because of their "violent tendencies" or voluntarily leave because they find the organizations too passive.[367] There is little research on the lone wolf phenomenon and no universally accepted definition of the term.[368]

The above definition stresses how lone wolves operate. Just as critical is what they believe. Lone wolves can hew to broader ideological causes and use them to justify their actions.[369] This suggests that lone wolves potentially adopt the ideas of broader terrorist movements while not claiming formal membership in them. Divining exactly what "formal membership" constitutes leads to debate regarding whether or not some individuals acted as lone wolves or part of larger movements. For example:

- On January 29, 2010, Scott Roeder was convicted of first-degree murder and two counts of aggravated assault for killing abortion provider George Tiller.[370] Roeder allegedly had "connections with militant abortion foes but few formal ties with known groups."[371] Some supporters of abortion rights consider his contacts among anti-abortion adherents as evidence of possible conspiracy.[372] Meanwhile, some anti-abortion activists have stressed that Roeder was a lone wolf.[373] He remains the only person convicted of Tiller's murder.

Because lone wolves are not plugged into terrorist organizations, distinguishing them from individuals who commit hate crimes can also be difficult.[374] In these cases, as mentioned above, the FBI likely attempts to determine whether the motives involved were personal (hate crime) and not focused on broader ideologies (domestic terrorism).

The Law Enforcement Challenges Posed by Lone Wolves

Lone wolves present particular challenges to law enforcement. Because lone wolves, by definition, operate alone, it can be difficult for law enforcement to assess exactly which radicalized individuals intend to turn their beliefs into action and pursue terrorist activity. One former FBI counterterrorism official has said:

> The lone wolf is arguably one of the biggest challenges to American law enforcement. How do you get into the mind of a terrorist? The FBI does not have the capability to know when a person gets up in middle America and decides: "I'm taking my protest poster to Washington or I'm taking my gun."[375]

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[367] Federal Bureau of Investigation, *Rage and Racism,* p. 8.

[368] Spaaij, "The Enigma," pp. 855-856.

[369] Ibid.

[370] Sylvester, "Scott Roeder."

[371] Judy L. Thomas, "Was Suspect in Tiller Case a Lone Wolf?" *The Kansas City Star,* June 14, 2009. Hereinafter: Thomas, "Was Suspect?"

[372] Amanda Robb, "Not a Lone Wolf," *Ms. Magazine,* vol. 20, no. 2 (Spring 2010), pp. 26-31.

[373] Thomas, "Was Suspect?"

[374] Eric Boehlert, "Terrorism or Hate Crime?" *Salon.com,* April 17, 2003, http://dir.salon.com/story/news/feature/2003/04/17/terrorist_act/index.html.

[375] Gary Fields and Evan Perez, "FBI Seeks to Target Lone Extremists," *Wall Street Journal,* June 15, 2009, http://online.wsj.com/article/SB124501849215613523.html.

Aside from intent, it is also hard to assess the operational capability of potential lone wolf terrorists—knowledge of explosives, familiarity with firearms, or experience in surveillance, for example.[376] Lone wolves do not participate in terrorist networks or training camps that can be infiltrated or whose communications can be traced. They do not rehearse their schemes or practice their criminal skills with conspirators who can potentially act as cooperating witnesses. To attempt to overcome these issues, the FBI asserted in 2009 that it was "beginning an extensive study on identified lone offenders to come up with indicators and behavior predictors that investigators can use to assess suspects."[377]

Not all of the news for law enforcement regarding lone wolves is necessarily dire. They have weaknesses. Their lack of tradecraft may make it harder for lone wolves to engage in large-scale attacks. Likewise, lone wolves do not necessarily experience the reinforcement of a closely knit terrorist social network. They cannot rely on others to assist them in any type of complicated plot.[378]

Regardless, lone wolf attacks can be lethal. For example, according to one scholarly examination, between 1990 and April 2009, "far-rightists" have been responsible for the deaths of 42 law enforcement officers—most from state and local agencies in the United States. Most of the incidents involved firearms, *and most of the assailants acted alone*.[379] Other instances of fatalities have been documented as well. Aside from the 2010 actions of Scott Roeder and the 2009 shooting involving James von Brunn (discussed elsewhere), suspected lone wolves were involved in at least two fatal shooting incidents in 2009, according to media sources and watchdog groups. The individuals involved in these incidents held white supremacist beliefs.

- Richard Poplawski shot and killed three Pittsburgh police officers in April 2009. He has been described as a "white supremacist" lone wolf.[380] He had posted anti-government messages on racist websites.[381]
- On January 21, 2009, Keith Luke allegedly shot and killed two Cape Verdean immigrants and raped and shot a third. Police arrested him before he could attack a synagogue, as he planned.[382] Luke purportedly informed police that he had decided to go on his spree after reading about "the demise of the white race" on a neo-Nazi website.[383] He reputedly said that he was "fighting for a dying race" and that he had been planning the attack for six months.[384]

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[376] Scott Stewart and Fred Burton, *Lone Wolf Lessons,* STRATFOR, June 3, 2009. Hereinafter: Stewart and Burton, *Lone Wolf.* See also Steven M. Chermak, Joshua D. Freilich & Joseph Simone Jr., "Surveying American State Police Agencies About Lone Wolves, Far-Right Criminality, and Far-Right and Islamic Jihadist Criminal Collaboration," *Studies in Conflict and Terrorism,* vol. 33 no. 11 (2010).

[377] Federal Bureau of Investigation, "Domestic Terrorism."

[378] Stewart and Burton, *Lone Wolf.*

[379] START, press release, "Background Information: Far-Right Attacks on U.S. Law Enforcement," April 2009. The scholars who developed the information in the press release defined "far-right ideology" as "principles such as fierce nationalism, anti-globalization, suspicions of centralized Federal authority, support for conspiracy theories, and reverence for individual liberties (including gun ownership."

[380] McNulty et al., "Jury Decides." See also Anti-Defamation League, "Richard Poplawski."

[381] Hamill, "Man Accused."

[382] John Ellement, "DA Says Racism Drove Brockton Killings, Rape," *Boston Globe,* January 23, 2009.

[383] Phillip Martin, "Man Will Face Charges After Police Standoff," *WGBH,* April 4, 2011, http://wwe.wgbh.org/articles/-2503.

[384] Maureen Boyle, "Prosecutor: Suspect in double slaying in Brockton hatched an 'Evil Plan of Mass Murder and Rape,'" *Brockton Enterprise,* January 22, 2009, updated June 9, 2010.

The shootings perpetrated by Roeder and von Brunn had been described by the federal government as terrorist acts.[385] It is unclear whether the Poplawski and Luke cases are considered as such.

Lone wolves do not necessarily have to focus on gun-related crimes. Kevin Harpham's case illustrates as much. On March 9, 2011, law enforcement officers arrested Kevin Harpham (discussed elsewhere) and charged him in connection to a bomb concealed in a backpack and placed along the route of a Martin Luther King, Jr. Day March in Spokane, WA. In September 2011, Harpham pled guilty to committing a federal hate crime and attempting to use a weapon of mass destruction.[386] Media reports and watchdog groups have indicated that Harpham had ties to white supremacists. Allegedly, he was a member of the neo-Nazi National Alliance in 2004. The group denied that he was still a member. Harpham had also been in contact with Paul Mullet, leader of a white supremacist group active in Athol, ID. Mullet said that he and Harpham spoke many times but that the latter never joined Mullet's group.[387] Harpham reportedly made postings on white supremacist websites and read *The Turner Diaries*.[388]

Also, lone wolf activity is not solely the domain of purported white supremacists. Another case illustrates the kind of attack a domestic lone wolf animal rights extremist can commit:

- In November 2010, Walter Bond pled guilty to two felonies stemming from an April 2010 arson that destroyed a store known as the Sheepskin Factory in Glendale, CO.[389] Speaking from jail, Bond condemned the business, which sold sheepskin products, as engaging in "blood trade" and drawing profits "from the death and exploitation of suffering animals."[390] Bond worked alone. A web posting claimed the arson "in defense and retaliation for all the innocent animals that have died cruelly at the hands of human oppressors."[391] Apparently, Bond strongly identified with the notion of being a lone wolf. The ATF, working with a confidential informant, recorded Bond discussing the fire and the fact that he actually used the nickname "Lone Wolf."[392] In a jailhouse letter, Bond stated, "I

[385] Both von Brunn and Roeder were included in the National Counterterrorism Center's open-source Worldwide Incidents Tracking System (WITS) database (now unavailable) that compiled worldwide terrorist incidents between 2004 and early 2012. Poplawski and Luke were not.

[386] Department of Justice, press release, "Attempted Bomber Pleads Guilty to Federal Hate Crime and Weapons Charge," September 7, 2011; Department of Justice, press release, "Attempted Bomber Arrested," March 9, 2011.

[387] See Southern Poverty Law Center, "Spokane Bombing Arrest Details Emerge," March 9, 2011. Hereinafter: Southern Poverty Law Center, "Spokane Bombing." Thomas Clouse and Meghann M. Cuniff, "White Supremacist Arrested in MLK Bomb Plot," *Spokesman-Review,* March 10, 2011. Hereinafter: Clouse and Cuniff, "White Supremacist." Joel Millman and Evan Perez, "Suspect Is Arrested in Spokane Bomb Case," *Wall Street Journal,* March 10, 2011. Hereinafter: Millman and Perez, "Suspect Is Arrested."

[388] Federal Bureau of Investigation, press release, "MLK Parade Bomber," January 13, 2012; Jessica Robinson, "Court Documents Reveal Evolution Of MLK Day Bomber's Racist Beliefs," *Northwest News Network,* December 1, 2011, http://kuow.org/northwestnews.php?storyID=143023416; Department of Justice, press release, "Colville, Wash., Man Indicted for Federal Hate Crime in Attempted Bombing of the MLK Unity March," April 21, 2011; "FBI: Bomb Found on MLK March Route," *MSNBC,* January 18, 2011.

[389] Yesenia Robles, "Vegan Activist Pleads Guilty to Torching Sheepskin Factory," *Denver Post,* November 19, 2010. Hereinafter: Robles, "Vegan Activist."

[390] "Suspect in Arson at Sheepskin Factory in Glendale Decries Animal 'Blood Trade,'" *Denver Post,* August 6, 2010.

[391] Robles, "Vegan Activist."

[392] *United States v. Walter Bond,* Criminal Complaint, MJ-01120-MJW, District Court, District of Colorado, July 23, 2010. Hereinafter: *U.S. v. Walter Bond.*

> used the name 'ALF Lone Wolf' in the media to convey to my ALF brothers and sisters worldwide (whoever they are) the power of acting alone."[393]

Prison Radicalization

As some experts have pointed out, prison offers an environment in which individuals can potentially radicalize[394] on the way to becoming terrorists. This issue has loomed large among experts examining international terrorism.[395] A scholar of the prison radicalization phenomenon in the United Kingdom notes that jail time potentially jump starts the radicalization process for individuals who are at risk of radicalizing. Prison brings together disaffected people who may be receptive to anti-social messages offering "clear, albeit intolerant, solutions to complex problems of identity and belonging."[396] In other words, some disaffected prisoners may discover and adopt terrorist ideals as they try to find meaning behind bars, potentially establishing bonds with like-minded people in jail. Another study of government policies on prison radicalization in 15 countries (including the United States) concludes that "[w]hether or not one believes that prisons have become Al Qaeda's 'universities' or 'finishing schools' there can be no question that prisons matter."[397] They matter because they have figured largely in the development of many previous radical movements around the globe. Prisons also unsettle prisoners who "are more likely than elsewhere to explore new beliefs and associations."[398]

Some prison gangs delve into radical or extremist ideologies that also motivate domestic terrorists, and in a number of instances, these ideologies are integral to fashioning cohesive group identities within prison walls. It must be reiterated, however, that even for gangs exhibiting these ideological dimensions, criminal enterprises such as drug trafficking—not radical beliefs—largely drive their activities. The largest white supremacist prison gangs illustrate this.

Several gangs in America's penal institutions subscribe to white supremacist beliefs, views broadly shared by some domestic extremist groups such as the National Socialist Party, the National Alliance, Aryan Nations, and racist skinheads. A national-level gang of this ilk with approximately 15,000 members in and out of prison, the Aryan Brotherhood, has factions within facilities managed by the California Department of Corrections and the Federal Bureau of

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[393] Walter Bond, "I Am the ALF 'Lone Wolf,'" December 4, 2010, (North American Animal Liberation Press Office). He was also convicted for two other arsons. See "Walter Bond Sentenced to 7 years for two ALF Arsons," http://www.animalliberationfrontline.com/walter-bond-sentenced-to-7-years-for-animal-liberartion-front-arsons/; Scott Stewart, Escalating Violence from the Animal Liberation Front," STRATFOR, July 29, 2010. See also *U.S. v. Walter Bond*.

[394] For this report, "radicalization" describes the process of acquiring and holding radical or extremist beliefs. "Terrorism" describes violent or illegal action taken on the basis of radical or extremist beliefs.

[395] Neumann, *Prisons and Terrorism.* James Brandon, "The Danger of Prison Radicalization in the West," *Combating Terrorism Center Sentinel*, vol. 2, no. 12 (December 2009), p. 4. Hereinafter: Brandon, "The Danger of Prison." Greg Hannah, Lindsay Clutterbuck, and Jennifer Rubin, *Radicalization or Rehabilitation: Understanding the Challenges of Extremist and Radicalized Prisoners*, RAND Europe, Cambridge, U.K., 2008; U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?* 109th Cong., 2nd sess. September 19, 2006, S. Hrg. 109–954 (Washington: GPO, 2007), pp. 1-6, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_senate_hearings&docid=f:30597.pdf; George Washington University Homeland Security Policy Institute (HSPI) and The University of Virginia Critical Incident Analysis Group (CIAG), "Out of the Shadows: Getting Ahead of Prisoner Radicalization," HSPI and CIAG, Washington, DC. September 2006.

[396] James Brandon, "The Danger of Prison" p. 4.

[397] Neumann, *Prisons and Terrorism*, p. 7.

[398] Ibid.

Prisons.[399] The Nazi Low Riders, a regional-level gang with a membership estimated between 800 and 1,000, exists in correctional facilities on the West Coast and in the Southwest.[400] Another white supremacist gang with a prison and street presence, Public Enemy Number One—largely a local-level organization with between 400 and 500 members—is mostly active in California with scattered groups outside of the state.[401]

These three groups may espouse racial hatred, but they are largely guided by the profit motive, not extremism.[402] For example, one expert has described the Aryan Brotherhood's ideological underpinnings as "mostly just a good recruiting tool and a way to maintain structure and discipline. These guys are more about making money than starting any kind of white revolution."[403] As another indicator of the primacy of profit, members of all three white supremacist groups often set aside their racism and "have working relationships with Hispanic street gangs and non-white prison gangs such as the Mexican Mafia, due to a shared interest in criminal activity, particularly the drug trade."[404] However, members of racist gangs do commit hate crimes. For example, in 1998 "[t]wo of the three men who murdered James Byrd Jr., a black man, by tying him to their pickup truck and dragging him over three miles of road near Jasper, Texas, were ex-cons who belonged to the [Aryan] Brotherhood."[405]

One study has estimated that "hundreds, possibly thousands" of sovereign citizens have been incarcerated in the United States since the 1990s, where some have continued to practice their beliefs and even pass their knowledge on to other prisoners.[406] An unknown number of prisoners have converted to the movement's ideology, while others have simply used sovereign tactics.[407] The following cases suggest how this may occur.

- In September 2010, Marlon T. Moore pled guilty to one count of filing a false claim with the IRS, requesting a fraudulent refund of $9,087,987.95.[408] Prior to his 2010 guilty plea, he had become a sovereign citizen during a six-year stint in prison on drug-related money laundering charges.[409]

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[399] Department of Justice "Prison Gangs and Photos," http://www.justice.gov/criminal/ocgs/gangs/prison.html; "Member of Aryan Brotherhood Booked in Slidell," *Associated Press State and Local Wire*, October 6, 2009; David Holthouse, "Smashing the Shamrock," *Intelligence Report,* Southern Poverty Law Center, Issue 119, (Fall 2005). Hereinafter: Holthouse, "Smashing."

[400] Ibid. For the description of the Aryan Brotherhood as a "national" prison gang, the Nazi Low Riders as a "regional" prison gang, and Public Enemy Number One as a "local" prison gang, see National Drug Intelligence Center, *Attorney General's Report to Congress on the Growth of Violent Street Gangs in Suburban Areas,* (April 2008), Appendix B.

[401] Ibid. See also Pete Simi, Lowell Smith, and Ann M. S. Reeser, "From Punk Kids to Public Enemy Number One," *Deviant Behavior*, vol. 29, no. 8 (2008), pp. 753-774. Hereinafter: Simi et al., "From Punk."

[402] Freilich, Chermak, and Caspi, "Critical Events," p. 508; Holthouse, "Smashing"; Camille Jackson, "Nazi Low Riders," *Intelligence Report,* Southern Poverty Law Center, Issue 114, (Summer 2004).

[403] Holthouse, "Smashing."

[404] Anti-Defamation League, *PEN1, Public Enemy Number 1: California's Fastest Growing Racist Gang,* (2007), p. 7; Simi et al., "From Punk," p. 765.

[405] Leah Nelson, "Fugitive with ties to Aryan Brotherhood Captured," August 20, 2010, Southern Poverty Law Center, http://www.splcenter.org/blog/2010/08/20/fugitives-with-ties-to-aryan-brotherhood-captured/.

[406] Anti-Defamation League, *The Lawless,* p. 12.

[407] Anti-Defamation League, *The Lawless,* p. 13.

[408] Department of Justice, press release, "Miami-Dade Man Pleads Guilty to Filing a False Claim with the IRS for More Than $9 Million," September 10, 2009.

[409] Anti-Defamation League, *The Lawless,* p. 13. See also Tim Elfrink, "Did Fringe Movement Sovereign Citizens Trick a Miami Man into Filing a $14 Trillion Tax Return?" *Miami New Times,* March 4, 2010.

- In 1992, James T. McBride discovered sovereign citizen ideology while in a Michigan prison on drug-related charges. After he left prison, among other things, he became a sovereign guru and operated a business that peddled sovereign ideas.[410]

Policy Considerations for Congress

Congress may choose to consider issues in three areas regarding the federal role in combating domestic terrorism: (1) assessing this threat's scope, (2) the adequacy of domestic terrorism intelligence collection efforts, and (3) how domestic terrorism fits into the Obama Administration's efforts to counter radicalization that may lead to terrorism.

Scoping the Threat

As this report suggests, at least three factors may make it hard for policy makers to form a baseline evaluation of the domestic terrorism threat from publicly available information. First, federal agencies employ varying terminology to describe the threat. Second, the federal government lacks a public and official method for either designating specific domestic groups as terrorists or formally and openly describing particular extremist movements as threats. Finally, there is no clear sense of how many domestic terrorism plots and attacks the government has investigated in recent years.

Terminology

The federal government has used broad conceptualizations to describe domestic terrorism. DOJ discusses the issue in terms of a handful of general "threats" such as animal rights extremists, eco-terrorists, anarchists, and anti-government extremists—not specific groups. Additionally, terms such as "terrorism" and "extremism" appear to be used interchangeably. Presumably, using the term "extremist" allows lawyers, policy makers, and investigators the flexibility to discuss terrorist-like activity without actually labeling it as "terrorism" and then having to prosecute it as such. However, this may lead to inconsistencies in the development and application of the law in the domestic terrorism arena. For example, policy makers may ponder why a specific terrorism statute covers ideologically motivated attacks against businesses that involve animals,[411] while there are no other domestic terrorism statutes as narrow in their purview covering a particular type of target and crime.

Designating Domestic Terrorist Groups

The federal government lacks a process for publicly designating domestic terrorist organizations. In other words, there is no official open-source roster of domestic groups that the FBI or other federal agencies target as terrorist organizations. *The lack of such a designation may spring partly from First Amendment concerns.* Such a list might discourage speech and expression related to the ideologies underpinning the activities of named groups. Regardless, this stands in stark contrast to the world of international counterterrorism, where the United States maintains a well-

[410] Andrew Welsh-Huggins, "Sovereign Citizens—A 21st Century Counter Culture," *Associated Press,* available from MSNBC, August 12, 2010, http://www.msnbc.msn.com/id/38668124/ns/us_news-life/t/sovereign-citizens-st-century-counter-culture/.

[411] The Animal Enterprise Terrorism Act (P.L. 109-374).

established—legally and procedurally proscribed—regimen regarding the identification of foreign terrorist organizations (FTOs).[412]

Official FTO designation benefits counterterrorism efforts in a number of ways. Most importantly, it facilitates the prosecution of those who provide material support[413] to listed foreign terrorist groups. Arguably, because there is no domestic terrorism equivalent of FTO designation, it is more difficult to press material support charges against domestic terrorists. In 2010, one scholar was unable to identify any material support cases involving "a domestic terrorist group or its supporters."[414] According to the Department of State, FTO designation has other effects. It

> 1. Supports [U.S.] efforts to curb terrorism financing and to encourage other nations to do the same. 2. Stigmatizes and isolates designated terrorist organizations internationally. 3. Deters donations or contributions to and economic transactions with named organizations. 4. Heightens public awareness and knowledge of terrorist organizations. 5. Signals to other governments our concern about named organizations.[415]

This description suggests that the absence of a designation regimen for domestic terrorist groups makes it harder for the federal government to discredit such groups and simultaneously strengthen public understanding of the domestic terrorist threat. Likewise, the lack of a list might make it more difficult for the federal government to communicate exactly what the threat is to its own agencies, let alone local or state entities.

While there is no official designation process for domestic terrorist *organizations*, as it stands, DOJ and the FBI have publicly named and discussed domestic terrorism *threats*—such as animal rights extremism or anarchist extremism—without illuminating exactly how they arrive at these categories. Federal lawmakers may opt to consider the feasibility of officially formalizing this process and/or opening it up to greater oversight. Ideally, an attempt to render this process less bureaucratically opaque would simultaneously (1) enhance federal efforts to combat domestic terrorism while (2) protecting civil rights and civil liberties. For example, such a list may potentially offer agencies outside of DOJ—including relevant players at the state and local level—formal opportunities to provide input into ranking domestic terrorism threats while enshrining mechanisms by which individuals who believe in the philosophies undergirding a designated threat could petition to have that threat "de-listed."[416] On the other hand, making this process more open may take away the FBI's flexibility to rapidly adapt its domestic terrorism priorities, especially if threats quickly mutate.

A Public Accounting of Plots and Incidents

A publicly available official accounting of domestic terrorist plots and incidents may help policy makers understand the scope of the threat in lieu of a regimen designed to name domestic terrorism organizations. However, the federal government does not produce such a document. The

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[412] Department of State, "Foreign Terrorist Organizations."

[413] As described in U.S. Code, Title 18, Part I, Chapter 113B, 2339A and 2339B. For more information, see CRS Report R41333, *Terrorist Material Support: An Overview of 18 U.S.C. §2339A and §2339B*, by Charles Doyle. DOJ has used material support charges as a key component in its prosecutions against foreign terrorist organizations. See CRS Report R41416 for a discussion of a number of these cases targeting homegrown jihadists.

[414] Heller, "Designating Domestic," p. 70. It may be possible to use 18 U.S.C. 2339A to prosecute an individual engaged in domestic terrorism. This statute "restricts aid to perpetrators of terrorism in general." See Benjamin Yaster, "Resetting *Scales:* An Examination of Due Process Rights in Material Support Prosecutions," *New York University Law Review*, vol. 83, no. 4 (October, 2008), p. 1364; and ibid.

[415] Department of State, "Foreign Terrorist Organizations."

[416] The FTO designation process has such provisions. See ibid.

National Counterterrorism Center's (NCTC) Worldwide Incidents Tracking System (WITS) had provided an official record of terrorism incidents around the globe, including the United States. This was a publicly accessible database active from 2004 to early 2012. It included basic information regarding terrorist incidents. Prior to the advent of WITS, the FBI used to publish regular reports on terrorist activity in the United States.[417]

The lack of a publicly available federal accounting of domestic terrorism plots and attacks makes it especially difficult to determine the scope of this diverse threat, which, for example, can be investigated and prosecuted at the state or local, let alone federal, level. Also, the lines between domestic terrorism and other forms of criminality such as tax fraud or hate crimes can be blurry. A fuller accounting of domestic terrorism plots and attacks may call such prosecutorial flexibility into question. Such an accounting may reveal the instances in which FBI *investigated* individuals as domestic terrorists but DOJ did not *prosecute* them as such.

Better Sense of Scope May Assist Policy Makers

Regardless, a better sense of domestic terrorism's scope publicly proffered by the federal government may assist policy makers. It may be of policymaking value for executive branch agencies to release annual statistics on domestic terrorism prosecutions, naming individuals and movements involved. Congress may also consider requesting an even more detailed annual public report that counts and describes the domestic terrorist plots dismantled; the number of attacks investigated; and the federal, state, and local agencies involved. The lack of such an accounting makes it difficult for policy makers to exercise oversight by comparing the levels of domestic terrorist activity against items such as homegrown violent jihadist activity and other threats to the homeland. A regular public accounting could also help policy makers assess the effectiveness of the government's response to the domestic terrorist threat. It may also assist policy makers who wish to compare one domestic terrorist threat against another. Finally, without a clear, publicly available understanding of the domestic terrorist threat, it may be difficult to measure how much federal funding is allocated to this issue.

Intelligence

Intelligence collection efforts against foreign terrorist groups have received much scrutiny since 9/11. U.S. efforts to gather information versus domestic terrorism actors have not. Domestic terrorism does not feature in the Director of National Intelligence's National Intelligence Priorities Framework (NIPF), described as the "means to capture issues of critical interest to senior Intelligence Community (IC) customers and communicating those issues to the IC for action."[418] Importantly, for intelligence gathering and program prioritization purposes, "there is no ... standard across federal agencies that can be applied to [domestic terrorism] cases."[419] Also, there likely is no established standard for the collection of intelligence from state and local investigators.[420] Congress may choose to examine these issues as well as the scope of intelligence collection efforts focused on domestic terrorism.

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[417] See http://www.fbi.gov/stats-services/publications/terrorism-2002-2005.

[418] Thomas Fingar, "Analytic Transformation: Unleashing the Potential of a Community of Analysts," Office of the Director of National Intelligence, September 2008, p. 12; Department of Justice, *FBI FY2012 Authorization and Budget Request for Congress,* February 2011, p. 4-24. Hereinafter: Department of Justice, *FBI FY2012 Authorization*.

[419] Department of Justice, *FBI FY2012 Authorization,* p. 4-24.

[420] Aside from suspicious activity reporting. For more information on this, see CRS Report R40901, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress,* by

By law, "NCTC serves as the primary organization in the United States Government ... for integrating and analyzing all intelligence pertaining to counterterrorism (except for information pertaining exclusively to domestic terrorism)."[421] Because of its lead status for counterterrorism investigations in the homeland, the FBI arguably serves the parallel role for the domestic terrorist threat. The development of any *interagency* regimen for the collection and analysis of domestic terrorism information might start with the Bureau's capacities in this regard. Congress may wish to consider whether the FBI has allocated appropriate resources and expended enough effort in collection and analysis of domestic terrorism-related intelligence as well as the safeguarding of civil rights.

How Does Domestic Terrorism Fit into the U.S. Countering Violent Extremism Strategy?

In August 2011, the Obama Administration released a strategy for countering the radicalization of terrorists, also described as combating violent extremism (CVE).[422] This document was fleshed out to a degree by the Administration's release in December 2011 of its "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States."[423] The Administration's CVE strategy and plan revolve around countering the radicalization of all types of potential terrorists, but the radicalization of *violent jihadists* is its key focus. Regardless, domestic terrorism falls under the strategy's purview.

Federal CVE efforts often depend on government agencies cooperating with local groups. In fact, the Obama Administration's national CVE strategy highlights a "community-based approach" for the federal government. To this end, the strategy states that the federal government most effectively acts as a "facilitator, convener, and source of information."[424] As all of this may suggest, to date the bulk of federal-level CVE work has revolved around *community engagement*.[425] Congress may opt to ask the Administration which domestic terrorists it will focus on under the strategy and which communities it intends to engage regarding issues surrounding non-jihadist terrorism.

Author Information

Jerome P. Bjelopera
Specialist in Organized Crime and Terrorism

Jerome P. Bjelopera.

[421] See National Counterterrorism Center, "About the National Counterterrorism Center."

[422] *Empowering Local Partners to Prevent Violent Extremism in the United States,* August 2011. Hereinafter: *Empowering Local Partners.*

[423] *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States,* December 2011. Hereinafter: *Strategic Implementation Plan.*

[424] *Empowering Local Partners,* p. 3.

[425] See CRS Report R41416, for more information.

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