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Before the United States Senate
Committee on the Judiciary
Subcommittee on the Constitution

Hate Crimes & the Threat of Domestic Extremism

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Introduction

Good morning Mr. Chairman and members of the Committee. Thank you for giving me the opportunity to appear before you to discuss the significant issue of domestic terrorism and, in particular, the threat from violent extremists. I also thank you for holding this hearing today in an effort to increase public awareness of this issue.

For the record, I am a subject matter expert in the area of domestic extremism and Chief Executive Officer of DT Analytics—a private consulting company based in the Washington, D.C. area. DT Analytics offers specialized law enforcement training, classroom instruction, briefing presentations and other speaking engagements on domestic non-Islamic extremists, their radical ideology, activities, tactics and tradecraft. For two decades, I have also worked as an intelligence analyst for several federal agencies.

From 2004-2010, I was the senior domestic terrorism analyst at the U.S. Department of Homeland Security (DHS), Office of Intelligence & Analysis (I&A). During my tenure at DHS, I wrote numerous sensitive intelligence reports and briefed a wide range of organizations, including Congressional staff; federal, state and local law enforcement agencies; members of the intelligence community; colleges and universities, and other non-government organizations. I also led a team of analysts responsible for analyzing domestic extremist activity in the United States.

Prior to working at DHS, from 1999-2004, I was the subject matter expert on violent antigovernment groups (a designated intelligence program for monitoring the criminal activities and violent acts of rightwing extremists in the U.S.) at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I provided analytical support during highly sensitive ATF investigations focused on the criminal activities of domestic extremists, including members of the Ku Klux Klan, militia extremists, Christian Identity adherents, neo-Nazis, and sovereign citizens. I continue to serve as a part-time instructor at the ATF National Academy in Glynco, Georgia. I have been providing this service for more than twelve years, educating and training newly hired special agents on the subject of domestic terrorism.

I began my federal career as a counterterrorism analyst for the U.S. Army. I served as a civilian in the Army for several years specializing in the continental United States force protection mission. This experience provided me with unique insights into white supremacist

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and militia extremist targeting of military personnel for recruitment, as well as extremists' plotting to attack military installations in the U.S. during the 1990s.

Today's Domestic Terrorism Threat

The rising threat of domestic terrorism[1] within the United States should not diminish our focus on deterring threats from al-Qaeda and its affiliates. Rather, our nation's intelligence and law enforcement resources need to be flexible and resilient in their ability to combat terrorism from all sources of violent extremism, including domestic non-Islamic extremists.

The threat from domestic terrorism motivated by extremist ideologies is often dismissed and overlooked in the national media and within the U.S. government. Yet we are currently seeing an upsurge in domestic non-Islamic extremist activity, specifically from violent rightwing extremists[2]. While violent leftwing attacks were more prevalent in the 1970's, today the bulk of violent domestic activity emanates from the rightwing. Recent acts of domestic terrorism have instilled fear within the U.S. population as extremists attempt to force their social and political agendas through violence.

Since the 9/11 terrorist attacks, Muslim extremists within the United States, either aligned with al-Qaeda's ideology or other perverse interpretations of violent jihad, have carried out five attacks on U.S. soil. These five attacks resulted in 17 deaths (thirteen of these deaths resulted from a single violent act by Nidal Malik Hasan at Ft. Hood in November 2009). There have also been numerous arrests related to alleged Muslim extremist terrorists plotting in the U.S. since 9/11.

In contrast, there has also been a multitude of domestic non-Islamic extremist attacks—many of which have resulted in deaths and injury over the past four years. In particular, domestic rightwing extremists trumped all other forms of ideologically-motivated violence in the U.S. for number of deaths during this time period.

Since the 2008 Presidential election, domestic non-Islamic extremists have shot 27 law enforcement officers, killing 16 of them.[3] Over a dozen mosques have been attacked with firebombs—likely attributed to individuals embracing Islamaphobic beliefs.[4] In May 2009, an abortion doctor was murdered while attending church. Two other assassination plots against abortion providers were thwarted during 2011 and six women's health clinics were attacked with explosive and incendiary devices within the past two years.[5]

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[1] The FBI defines domestic terrorism as "the unlawful use, or threatened use, of force or violence by a group or individual based and *operating entirely within the United States or its territories without foreign direction* [emphasis added] committed against persons or property to intimidate or coerce government, the civilian population, or any segment thereof, in furtherance of political or social objectives ("Terrorism in the United States – 1999," FBI, p. 11, 2000).

[2] The rightwing extremist movement in the United States primarily consists of white supremacists, militia extremists, sovereign citizens, anti-abortion extremists and tax resisters.

[3] http://www.dtanalytics.org/blog/category/chronology-extremist-attacks/, viewed September 10, 2012.

[4] http://www.dtanalytics.org/blog/?s=mosque, viewed September 10, 2012.

[5] http://www.dtanalytics.org/blog/category/chronology-extremist-attacks/, viewed September 10, 2012.

Further, in January 2010, a tax resister deliberately crashed his small plane, which was filled with a 50-gallon drum of gasoline, into an IRS processing center in Austin, Texas, injuring 13 people and killing a government employee.[6] In January 2011, three incendiary bombs were mailed to government officials in Annapolis, Md., and Washington, D.C.[7] Also, in January 2011, a backpack bomb was placed along a Martin Luther King Day parade route in Spokane, Wash. meant to kill and injure participants in a civil rights march.[8] Finally since 2010, there have been multiple plots to kill ethnic minorities, police and other government officials by militia extremists and white supremacists in our country.[9]

In August 2012 alone, a white supremacist killed six worshipers at a Sikh temple in Oak Creek, Wis.[10] Sovereign citizens shot four sheriff's deputies, killing two, in St. Johns Parish, La.[11] And, four active-duty U.S. Army soldiers, who had formed an anti-government militia group and were hoarding weapons and ammunition in an alleged plot to overthrow the government, were charged in the deaths of two associates who, they worried, might tip law enforcement to their clandestine activities.[12] There was also what appears to have been in incident of leftwing domestic terrorism: a single-issue extremist shot a guard at the Family Research Council office in Washington, D.C.[13] Unfortunately, these are only the latest manifestations of domestic non-Islamic extremist violence in the Homeland.

It is also important to note that eight members of the Hutaree, an extremist militia in Michigan, acquitted this year of plotting to kill police officers and planting bombs at their funerals, had an arsenal of weapons at their disposal that was larger than all 230+ Muslim plotters and attackers charged in the U.S. since the Sept. 11 attacks combined.[14]

Mr. Chairman and members of the Committee, the federal government must do more to combat domestic terrorism within the U.S. Our failure to act now will assuredly embolden the enemy and bring more attacks.

Extremist Landscape in America

Violent extremism is a growing threat in the United States. The threat emanates from extremist belief systems that represent a broad range of religious, political and social causes. In particular, several factors contribute to the recent rise in violent antigovernment extremism in the United States: the economic recession, divisive political and social issues, shifting demographics in America and some policy changes endorsed by the new Presidential administration.

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[6] "Joe Stack Plane Crash Austin Aftermath 13 Injured, Two Critically," CBS News, February 18, 2010.

[7] "Package Addressed to Janet Napolitano Ignites at Washington D.C. Post Office," ABC News, January 8, 2011.

[8] "MLK Bomber Gets 32 Years in Prison," Spokane Spokesman-Review, December 20, 2011.

[9] http://www.dtanalytics.org/blog/category/chronology-extremist-attacks/, viewed September 10, 2012.

[10] "Sikh Temple Shooting in Wisconsin," CNN, Special Report, August 2012.

[11] "Alleged Louisiana Cop Shooters Linked to 'Sovereign Citizens Movement," ABC News, August 19, 2012.

[12] "Case Uncovers Terror Plot By Soldiers to Kill Barack Obama," Associated Press, August 27, 2012.

[13] "Security Guard Shot at Christian Lobbying Group," Washington Post, August 15, 2012.

[14] Research and analysis of all court documents posted to Steve Emerson's Investigative Project website at http://www.investigativeproject.org, viewed August 2010.

Extremism is perpetuated through the words and actions of individuals, groups and movements—sometimes it transcends peaceful, law-abiding and constitutionally protected activity and includes threatening, criminal and violent actions. Some forms of extremism are successfully portrayed as acceptable, normal or even mainstream behavior, which can be deceptive and seductive. Adherents of extremism may also attempt to downplay and distance themselves from any negative stereotypes.

Of course, it is important to note that an individual holding extremist views, no matter how offensive, is protected by our Constitution unless and until he or she acts upon these beliefs by engaging in criminal conduct. Extremist belief systems represent a broad range of religious, political and social causes. On the far right of the political spectrum, right-wing extremists include white supremacists, sovereign citizens (i.e. "Freemen"), paramilitary and militia groups, and other types of anti-government extremists (i.e. Birthers, Truthers, Oath Keepers and Three Percenters). On the far left of the political spectrum, left-wing extremists today are primarily comprised of anarchists (i.e. Black Bloc, Crimethinc, Ruckus Society, etc.), Black nationalists (such as the New Black Panther Party and New Afrikan [sic.] Movement), and some fringe elements of the Occupy Wall Street movement. There are also single-issue extremists representing both extreme ends of the political spectrum. Single-issue extremists are distinct from the other extremist types because they are overwhelmingly focused on a single political or social cause. On the far right, single-issue extremists focus their attention on targets related to abortion, illegal immigration or federal income tax issues. On the far left, single-issue extremists direct their interests against targets dealing with the environment (i.e. earth rights), animal liberation or anti-war causes.

I often describe extremist ideology in my law enforcement training as "a poison" absorbed into a person's mind. Extremist ideology uses deception, half-truths, and blatantly false and often over simplistic explanations to solve complex national issues or personal problems. Extremist ideologies are quick to blame others for these problems—often providing justification for violence and criminal activity. Scapegoats are also given (people, organizations and institutions), providing a lengthy list of potential targets to avenge these grievances.

Many rightwing extremists, particularly militia members, also perceive any mention of gun control legislation as a threat to their right to bear arms and, in response, have increased weapons and ammunition stockpiling, as well as renewed participation in paramilitary training exercises. Such activity, combined with a heightened level of extremist paranoia, has the potential to facilitate criminal activity and violence.

Extremist Tactics & Tradecraft

Since the 1980s, domestic terrorism tactics and doctrine have changed as violent extremists have adapted in response to successful law enforcement operations and government infiltration. Many domestic terrorists (including environmental, militia and white supremacist extremists) have abandoned the traditional terrorist organizational model which is built upon a central command and cellular structure. Instead, they have embraced the tactics of lone

offenders (i.e. lone wolf), small, independent cells, and leaderless resistance.[15,16] These terrorist-related tactics pose a significant challenge to law enforcement because they are difficult to detect, identify and disrupt. These tactics also enable potential terrorists to carry out highly destructive attacks, as well as potentially mass casualty producing events, without prior warning and virtually no pre-incident indicators.

Lone offenders and small cells adhering to the doctrine of leaderless resistance operate independently from one another and in secret.[17] Leaderless resistance advocates either forming small, independent cells of two to six people or acting alone to commit acts of violence and terrorism.[18,19] They often have "loose" affiliations with "aboveground" extremist groups—meaning cell members may occasionally attend group functions or may attempt to join a group.[20,21] On the other hand, some purposely do not join groups out of fear of being negatively associated with the group or identified by law enforcement.[22]

Domestic terrorists today use the tactics of leaderless resistance, small, independent cells, and lone offenders. Such tactics, however, often inhibits the lethal capabilities of most domestic terrorists because there is no formalized terrorist training and aspiring terrorists lack experience. The principle of leaderless resistance emphasizes neither organizational structure nor formalized leadership.[23] The leaderless resistance strategy encourages extremists to self-train, outline their own objectives, and conduct attacks of their own accord. Although difficult to detect and preempt, this attack strategy does not lend itself well to developing sophisticated terrorist tradecraft as a result of its emphasis on self-training. Unless they possess prior specialized knowledge in tactical and explosives techniques, potential domestic terrorists are generally hampered in their ability to cause mass-casualty producing attacks. Such limitation, however, should not cause law enforcement and security forces to dismiss the potential consequences of domestic terrorist acts or become complacent to such threats.

Those who ultimately evolve into domestic terrorists are often introduced to extremism through a mainstream group or cause. There, they meet others with more extreme views and are recruited into extremist groups and causes where they are indoctrinated. Through continued indoctrination, some extremists turn into dedicated, hardcore extremists. A violence-prone extremist may eventually become disenfranchised or frustrated with the tactics of the aboveground extremist group. They may feel passive tactics are not producing the desired results. Thus, violent extremists seek more radical courses of action, such as criminal activity

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[15] Beam, Louis. "Leaderless Resistance: An Essay." 1983. Some would argue that international terrorism, as separate and distinct from domestic terrorism, may be following a similar path (See Marc Sageman, Leaderless Jihad: Terrorist Networks in the 21st Century, 2008).

[16] "Igniting the Revolution: An Introduction to the Earth Liberation Front," North American Earth Liberation Front Press Office, 2001.

[17] "Advice for Lone Wolves," Email, Maryland National Socialist Party, Yahoo! Group, September 2, 2006.

[18] Beam, Louis. "Leaderless Resistance: An Essay." 1983.

[19] Hoskins, Richard Kelly. Vigilantes of Christendom: The Story of the Phineas Priesthood, 1990.

[20] Knob Creek (email message discussing topics at a militia meeting held in Knob Creek, Kentucky, in April 1998), Eagle Flight Militia List Server, April 29, 1998.

[21] "Lone Wolf Commandments," message posted to multiple white supremacist Yahoo! groups, July 18, 2008.

[22] "The Lone Wolf Creed," Email, White Aryan Resistance, Resist-Now List Server, April 26, 2007.

[23] "Laws of the Lone Wolf," Email, White Aryan Resistance, Resist-Now List Server, April 29, 2007.

and violence on behalf of "the cause." Violent extremists may feel compelled to form their own (more radical) splinter faction, create a secretive subgroup within the extremist organization or act alone. In some cases, the violent extremist may be "kicked out" of an extremist group for advocating or introducing violent action or criminal activity. Upon separating from the aboveground extremist group, violent extremists generally become more fanatical, fearful and paranoid. Their mental state continues to deteriorate and often leads to criminal activity, threats and violence.[24,25]

Domestic terrorism attacks have been known to have deadly and costly consequences, such as the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, or the $50 million arson of an apartment complex under construction in San Diego, California, in 2003.[26] Further, domestic terror attacks, however small, can also have a deep psychological effect on American society and can negatively impact our way of life and instill fear within large cultural communities. These psychological effects were demonstrated by the 1996 bombing at the Centennial Olympic Park in Atlanta, Georgia, and the August 2012 attack at the Sikh temple in Oak Creek, Wisconsin.

Domestic terrorists tend to attack symbolic, opportunistic targets rather than random civilians. Some notable tactics used by domestic terrorists in the U.S. include:

Firearms: Firearms are the weapon of choice for many violent extremists in the U.S. Unlike a bomb, firearms are often purchased already assembled, at an affordable price and with relative ease.[27] Furthermore, a person can self-train in the use of firearms and become a proficient marksman within a relatively short period of time and with little prior knowledge, skill or experience. Extremists that embrace racist or militant antigovernment beliefs are more likely to carry out violent acts using firearms than other extremist types. White supremacist, militia members, sovereign citizens and other antigovernment extremists have been known to possess a wide range of firearms, both semi-automatic and fully automatic, and engage in stockpiling activity. They have also been known to equip firearms with large capacity magazines, silencers, night vision capability and high-powered magnifications devices. Of further concern, these extremists have been known to possess large-caliber firearms, such as .50 caliber machine guns as well as .50 caliber sniper rifles.[28] These types of firearms have an effective range of 2,000 meters or more and are capable of penetrating several inches of steel, concrete or other reinforced substances.[29] They are particularly effective against lightly armored vehicles, helicopters and other types of aircraft.[30] In the hands of a terrorist, this type of weapon could prove highly destructive and extremely lethal.[31]

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[24] Conversations with a founder of the Sacramento County Sheriff's Department Threat Management Unit [retired], 2007-2008.

[25] "Threat Assessment Insights," former Detective, Missouri State Highway Patrol, November 5, 2004.

[26] "What is E.L.F.?," ABC News, January 20, 2006.

[27] Krouse, William. "Gun Control Legislation," Congressional Research Service, August 27, 2010.

[28] "Weaponry: Availability of .50 Caliber Semiautomatic Rifles," General Accounting Office, June 30, 1999.

[29] "Long-Range .50 Caliber Sniper Weapons," U.S. House of Representatives, Committee on Government Reform-Minority Staff Report, May 3, 1999.

[30] *Ibid.*

[31] *Ibid.*

Improvised Explosive Devices: Domestic terrorists have used improvised explosive devices (IED) during attacks in the Homeland. With few exceptions, these devices exhibit a low-level of sophistication and have primarily consisted of pipe bombs and package bombs. Overall, these devices are constructed of common, household materials, such as PVC pipe, galvanized steel pipe and other plastic and metal containers. Past bombings attributed to domestic terrorists have included a variety of targets, such as federal buildings, financial institutions and gathering places for social activities. Violent domestic extremists have also been known to use secondary devices to target first responders, including law enforcement officers and other emergency service personnel.[32]

Incendiary Devices: White supremacists, antigovernment extremists and single-issue terrorists, such as the Army of God (AOG), the Animal Liberation Front (ALF) and Earth Liberation Front (ELF), have historically demonstrated an affinity for using incendiary devices and firebombs. Extremist adherents likely select this type of capability for a variety of reasons. First, incendiary devices are easily improvised and inexpensive to make. Second, incendiaries require very little training to construct and use. Overall, flammable materials are not as volatile as explosives making them easier to handle. Flammable materials are also readily available and are less likely to raise suspicion. Third, incendiary devices, if properly used and strategically placed, can cause extensive property damage over a widespread area—even greater damage than a similarly sized explosive device. Fourth, incendiary devices provide a great opportunity for loss of evidence through fire suppression efforts. Finally, arson incidents, like bombings, are guaranteed to draw media and law enforcement attention as well as generate publicity for an extremist's cause.

White supremacists and militia extremists possess the greatest capability for violent action, including shootings, bombings and murder. They are known to maintain large weapons caches, for attracting recruits who may be mentally ill and who have violent tendencies as well as attract former and current military servicemen who train others in various paramilitary skills.[33,34,35]

Other extremists affiliated with the anarchist, animal rights, earth rights, anti-abortion and anti-tax movements also use violent tactics that include acts of sabotage, arson and property destruction, in addition to other criminal acts. They have also been known to issue death threats to perceived enemies and target animal researchers and abortion providers at home.

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[32] "Terrorism in the United States [multiple editions]," Federal Bureau of Investigation, Counterterrorism Division, 1988-2005.

[33] "SPLC Urges Congress to Investigate Extremism in the Military," SPLC, July 10, 2009.

[34] "U.S. Army Battling Racists Within Its Own Ranks," Reuters, August 21, 2012.

[35] "White Supremacist Recruitment of Military Personnel Since 9/11," FBI, Counterterrorism Division, July 7, 2008.

Current Limitations On Combating Domestic Terrorism

Domestic Terrorism Definition Confusion

       The FBI defines domestic terrorism as "the unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or its territories without foreign direction committed against persons or property to intimidate or coerce government, the civilian population, or any segment thereof, in furtherance of political or social objectives.[36]

       This definition excludes violent extremists within the U.S. who are motivated by, or receive direct or indirect support from, international terrorist groups, such as al-Qaeda. For example, Faisal Shazad, a Pakistani-born American who attempted to detonate an improvised explosive device in New York's Times Square in May 2010, would not be considered a domestic terrorist given his alleged training by the Pakistani Taliban. Events similar to the Times Square attempted bombing are, therefore, beyond the scope of domestic terrorism.

       Many scholars, media representatives and even high-ranking U.S. government officials misuse the term "domestic terrorism" to mean "any" terrorist attacks on U.S. soil (both transnational and homegrown terrorists). This is not an accurate use of the term "domestic terrorism."

       The U.S. government's apparent misunderstanding of domestic terrorism was clearly illustrated as recently as 2010, when an anti-tax zealot chose to end his tax grievance with a suicide attack on an IRS processing center. In reference to this incident, DHS Secretary Janet Napolitano made public statements explaining that Stack "used a terrorist tactic… but he's not necessarily a member of a terrorist group… this is an individual who had his own personal issues and personal motives… he used that [the attack] as a means of carrying out a personal agenda."[37] The Federal Bureau of Investigation never publicly disclosed whether or not this incident was an act of terrorism. And, the 111th Congress passed House Resolution 1127 (H.R. 1127) declaring the attack on the IRS processing center to be "an act of domestic terrorism."[38] Three different answers about the incident from different U.S. government institutions is confusing.

No Annual Report for Domestic Terrorism

       While the National Counterterrorism Center and U.S. Department of State provide the law enforcement and intelligence communities with an annual summary of worldwide terrorism, there is no annual report summarizing domestic terrorism within the United States. Between 1980 to 2005, the FBI published an annual report entitled "Terrorism in the United States" which was released to the public. This annual report included reviews of domestic terrorism incidents, attempts and preventions. It was full of statistical information (tables, graphs and charts), policy information related to domestic terrorism, legislative actions, terrorism trends, FBI initiatives, among other valuable information. For reasons unknown, the FBI ceased publishing this report

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[36] Terrorism in the United States – 1999," FBI, Counter-Terrorism Division, p. ii, 2000.
[37] "Joe Stack, Janet Napolitano and the Definition of Terrorism," Federal Times, March 11, 2010.
[38] H.R. 1127, 111th Congress (U.S. Congress), 2d Session, February 17, 2010.

in 2006. The last edition covered a three-year time period (2002-2005) and was somewhat outdated when released. This annual publication was an extremely valuable tool not only for law enforcement, but also for academia, media outlets and the general public. This publication should be revived.

Lack of National-Level Resources

At the federal level, there is a shortage of analysts assigned to monitor and assess domestic extremist activity within the U.S. Currently, the FBI is the only federal agency that has devoted multiple full-time resources to research and analyze domestic terrorist tactics, tradecraft, and emerging trends. I commend the FBI's efforts to investigate and prevent acts of domestic terrorism. Nevertheless, as a law enforcement agency, the FBI is limited to its law enforcement mission, which mandates establishing "probable cause" or "reasonable suspicion" of criminal activity prior to collecting, analyzing and retaining information pertaining to domestic extremist activity. Further, the FBI appears to limit its domestic terrorism analysis to FBI case information only. These limitations impact the U.S. government's ability to forecast and warn of domestic terrorist activity before it happens.

While employed at DHS, I oversaw the work of five analysts responsible for analyzing domestic extremist activity in the U.S. This team was recently disbanded—leaving a single analyst at I&A responsible for monitoring the entire spectrum of domestic non-Islamic extremism at a vulnerable time of heightened extremist activity throughout the country.

Other federal law enforcement agencies, such as the U.S. Secret Service, U.S. Capitol Police, U.S. Marshals, and ATF, have limited resources to monitor various aspects of domestic terrorism, such as threats against political figures, counterfeiting, judicial threats, firearms and explosives violations, etc. Most of these resources consist of a single analyst at each agency devoted part-time or on an "as needed" basis to this subject. Many federal law enforcement agencies have also adopted a universal approach to intelligence analysis—emphasizing expanded analytical portfolios in an effort to meet growing demands with limited resources. There is virtually no effort made to develop subject matter expertise (which takes extra effort and time). The "jack of all trades, master of none" approach to analysis negatively impacts the development of the necessary level of knowledge and expertise required to develop an in-depth understanding of the wide range and complexity of domestic extremist movements operating within the U.S. Further, federal law enforcement agency resources are more often tactically focused on active criminal investigations and providing case support (database checks, link diagrams, time lines, etc.), rather than conducting strategic intelligence analysis, such as reporting national trends, writing strategic threat assessments or analyzing extremist recruitment and radicalization. There should be a renewed focus on strategic analysis of domestic extremist activity.

Training Issues

Many law enforcement officers and analysts who looked at domestic terrorism issues during the 1990s have retired or have moved on to other assignments, which leaves a massive void in knowledge and experience. A whole generation of state and local officers has not been trained and has no clue for what to look for. The Justice Department's Bureau of Justice

Assistance (BJA) has done a remarkable job of training state and local law enforcement about the threat from the sovereign citizens' movement. This program, which began in 2010, should be expanded to include other violent forms of domestic extremism. Other agencies and organizations, such as DHS and its state and local fusion centers, should follow BJA's lead and develop similar training programs on domestic extremist activity. Perhaps, those who have worked these issues in the past and have since retired can be utilized to educate and train the new generation of law enforcement officers and analysts.

Training in Behavioral Threat Assessment is also essential to the identification of problem individuals—before another incident like the Sikh temple shooting occurs. The law enforcement community appears to have neglected this effective analytical tool choosing instead to emphasize suspicious activity reporting.[39] Using the threat management methodology as a law enforcement tool has proven effective time and again—so why isn't it being used?

First, it's labor and resource intensive. During the 1990's, few police agencies were engaging in this method because of time constraints and lack of understanding. Today, however, we have available manpower at state fusion centers, and we have available technology with pattern and anomaly-matching software. What is needed now is a better understanding of why this tool is important, and how it can help agencies to identify these individuals before they violently act out.

Second, along with training in identification and assessment methodologies, state and local agencies need training on how to manage these cases in the short and long term. The radicalization period for domestic terrorists can take days, up to several months or over many years.

Third, agencies need to liaison with their local mental health centers, district attorney, probation offices, and with the Judiciary in their local community to make this an effective program. Such personnel may come into contact with an extremist through their work and could have additional information and insights worth sharing with law enforcement.

Lastly, handling these cases effectively calls for a joint effort and everyone in the criminal justice system must be on board and actively involved. This requires regular contact and follow-up between agencies.

Over-Emphasis on Suspicious Activity Reporting

It has been argued that law enforcement will never get anywhere in trying to stop ideologically-motivated violence by looking at ideology alone, because there are literally tens of thousands of individuals who are anti-government extremists, sovereign citizens or racial supremacists (both white and black). Many others adhere to the extremist ideologies of the far left and single-issue causes. They might espouse violence, but not all act on it. In most cases, both the psychological factors and the extremist ideology must be present, along with some precipitating life event (which often serves as the catalyst to violence).

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[39] http://www.dhs.gov/if-you-see-something-say-something-campaign, viewed September 16, 2012.

Conversely, those who are attempting to identify potential threats and prevent acts of violence should avoid looking exclusively at suspicious behaviors. It is too time consuming and yields an inordinate number of "false positives." In fact, there are more innocent people being subjected to highly intrusive privacy and civil rights procedures under the ruse of "suspicious behavior" than if authorities focused on extremist belief systems that have a proven track record of inciting individuals toward violence.

Every day, at airports throughout the country, Americans are being subjected to invasive screening procedures that are intended to detect explosives, weapons, and possible would-be terrorists. Yet, not a single bomb has ever been smuggled aboard a domestic U.S. flight by a terrorist in recent memory. Many amateur photographers and young students working on their hobbies or school projects have been accosted by security personnel and had their photos removed. Few, if any, terrorists in the United States have been arrested in the act of conducting photography as part of their preoperational surveillance. These invasive screening procedures at U.S. airports and elsewhere should be scrutinized more and used more sparingly.

In other words, it seems pointless to be looking for "various types of suspicious behaviors"—they're everywhere! Something "suspicious" to one person might be totally acceptable behavior to another. What appears to be "nervous" behavior more often than not has a legitimate explanation, such as a preexisting medical condition.

Some civil rights and civil liberties organizations, particularly within the U.S. government, fail to recognize the role extremist ideologies play in motivating extremists to carry out acts of violence. As a result, they have severely curtailed monitoring efforts within our nation's law enforcement agencies. Monitoring a person's behavior becomes all the more clear when coupled with an understanding of extremist ideology. As a result, there needs to be a balanced approach to intelligence analysis and threat assessment comprising both extremist ideology and suspicious behavior. A balanced approach is less likely to intrude on the everyday lives of ordinary citizens and gives law enforcement and counterterrorism resources the best opportunity to identify extremists on the cusp of violent action—improving terrorism prevention as well as mitigating potential terrorists.

<u>Selective Vetting of Intelligence Reports</u>

At DHS, the most prevalent hurdle to timely dissemination of domestic terrorism related information is the Group of Six (G6) review process. The G6 review process was implemented at DHS in the immediate aftermath of the DHS Rightwing Extremism report controversy. It mandated that intelligence reports from DHS/I&A be vetted through six offices at DHS headquarters, which included the Office of General Counsel at I&A, the Intelligence Oversight Officer, the DHS Privacy Office, the DHS Office of Civil Rights and Civil Liberties (CRCL), DHS Office of Policy, and the State and Local Program Office at I&A.

The G6 review process as it currently stands negatively impacts I&A analysis, because some of the changes in products seem to be made using standards that are in direct conflict with intelligence community analytic standards. G6 review can adversely affect an analyst's objectivity and political neutrality. The apparent purpose and intent of the G6 review process is

to "screen" products for objectionable words, phrases or topics that are "politically sensitive" or perceived as "offensive" to certain groups of people. In other words, it has a "risk averse" approach to analysis. The major "choke point" within the G6 review process is CRCL.

The G6 review process impacts the timeliness and relevance of I&A products through a seemingly endless cycle of edits, revisions and comments that can last for several weeks or months. Some offices—particularly CRCL— have even sent conflicting opinions about certain topics or products, which further delays timely dissemination. Specific to products dealing with domestic extremists, CRCL seems to apply an additional level of scrutiny that results in multiple cycles of review and constant correcting. For these reasons, I&A stakeholders' needs are neither being met nor adequately addressed.

It appears that CRCL reviewers unnecessarily scrutinize domestic terrorism related reports for more than what is within the scope of their responsibilities, such as questioning analytical judgments, source validation and source vetting. The G6 review process has called into question the reliability of credible sources of intelligence, such as various open source intelligence (OSINT) as well as information from reputable non-government organizations (e.g. the Southern Poverty Law Center and Anti-Defamation League) without providing adequate reasons for these objections. I&A analysts have assessed reporting from such organizations to be credible and reliable. Furthermore, experts from these organizations have testified in trials as expert witnesses at the local, state and federal level. Other federal agencies (including, but not limited to, the FBI) have also cited these same sources that CRCL reviewers question or dismiss. CRCL objections related to using open source information impacts the reliability of products by withholding information from I&A stakeholders based solely on a risk averse process.

Limiting Domestic Terrorism Analysis

Despite an attempt at developing a domestic terrorism production plan for 2010, DHS/I&A management chose to limit its analysis only to violent environmental extremists, violent anarchist extremists, and violent skinheads. As a result, I&A did not analyze threats from neo-Nazis, sovereign citizens and other violent antigovernment extremists. When questioned about the logic behind imposing these boundaries, analysts were told that violent environmental extremists, violent anarchist extremists and violent skinheads were the only domestic extremist movements to have attacked critical infrastructure in the past (identified as being clearly a DHS mission, implying that other domestic terrorist threats are not a Homeland Security concern unless linked directly to infrastructure threats). I&A management also explained that all three violent extremist movements were transnational in nature (which in their minds mitigated any intelligence oversight, privacy or civil rights and civil liberties concerns). They also rationalized that these movements had no history of infiltrating law enforcement (thus limiting the potential for future leaks). They went against the advice of domestic terrorism subject matter experts within I&A that this was not an effective way to analyze potential domestic extremist threats. I&A management's response had nothing to do with the level of threat or violent capability of domestic extremist groups. When challenged, I&A leadership decided to add violent militia extremists to the list but further limited this topic to illegal weapons possession and weapons stockpiling activity only.

Further, many reports dealing with domestic non-Islamic extremism produced by DHS/I&A during 2010-2011 did not appear timely and were primarily historical in nature. Few reports, if any, warned of emerging terrorism trends and imminent threats.

Best Practices In Combating Domestic Terrorism

<u>Information Sharing</u>

While great strides have been made with respect to information sharing since the 9/11 terrorist attacks, jurisdictional infighting remains among departments and agencies as well as communication gaps between levels of government (local, state and federal). State and local fusion centers have filled an important role in the information sharing gap, but more can be done.

Some agencies still claim they are protecting information for operational security reasons and don't share valuable threat-related information with subject matter experts at other agencies. Some sensitive information may be shared between agencies among executive leadership, but not to officers and analysts who truly need the information to "connect the dots" or assess potential threats. Those states that have information-sharing restrictions should focus on sharing open records and public documents with other agencies which may mitigate some concerns.

The FBI's eGuardian and Law Enforcement Online (LEO) systems are success stories and their use should be emphasized and encouraged. These systems offer standardized reporting formats, special interest groups (SIG), and other mechanisms for information sharing. Perhaps the FBI could create a LEO SIG for officers and analysts focused on domestic extremist issues.

Similarly, DHS participates in a faith-based outreach program with the Jewish community called Secure Community Network (SCN). According to its website, "SCN has two main functions: (1) rapid information sharing in crisis situations and (2) enhancing security awareness at Jewish organizations and institutions to protect against terrorism and other threats." Through SCN, the Jewish community has established communication links with DHS, state and local fusion centers and the law enforcement community to facilitate the sharing of threat-related information, community wide notifications, crisis management and security measures. This program should be a model for other faith-based communities.

Law enforcement should also exploit non-traditional sources of information (such as correctional institutions, the courts, county clerks, county tax office, etc.) for possible data related to domestic extremist criminal activity.

The establishment of state and regional domestic terrorism working groups would be beneficial to information sharing. Few exist. These working groups could meet on a monthly or quarterly basis. Such meetings need to have a clear goal or objective. They should add value to the participants. One way to encourage information sharing is to present area reports that highlight extremist activity in various jurisdictions. Law enforcement agencies wishing to establish a domestic terrorism working group may want to utilize existing resources such as the

Assistant United States Attorney's Anti-Terrorism Advisory Council (ATAC) meetings for this purpose.

Law enforcement agencies may also consider forming interstate working groups (as needed) to address ongoing issues related to domestic extremist activity, specific violent groups or other issue with a set term or project.

Another way to improve information sharing is to fund and staff a national domestic terrorism conference. This has been done in the past. However, with the emphasis on the global war on terrorism, conferences focused exclusively on domestic terrorism no longer exist. The purpose of such a conference would be to share information, train newer personnel, identify national or emerging trends and provide networking opportunities. Conference organizers could also invite relevant subject matter experts from academia, civil rights organizations or private consulting companies. Conference attendees should be limited to personnel who are working this issue.

Finally, law enforcement agencies should continue nurturing relationships with college and university programs that specialize in open source research, trend analysis and Internet monitoring, such as Mercyhurst College (Erie, Penn.), North Dakota State University (Fargo, ND) and University of Maryland (College Park, Md.). These institutions provide a valuable service to law enforcement with regard to tracking domestic extremist activity.

Improve Strategic Analysis

Non-government organizations that monitor extremism, such as the Southern Poverty Law Center and Anti-Defamation League, have more analysts assigned to conducting strategic analysis on domestic non-Islamic extremism than the U.S. government. Strategic analysis involves trends analysis, criminal tactics and tradecraft, extremist recruitment and radicalization, threat assessment and alternative/future analysis. Today, the DHS has few resources conducting strategic analysis on domestic terrorist threats. More resources are needed. Other federal agencies should consider devoting analysts full-time to this subject rather than part-time or ad-hoc basis. This is needed to build subject matter expertise.

I cannot over-emphasize the importance of developing subject matter expertise among analysts and officers who work on the topic of domestic extremism. It takes time to know and understand how domestic extremists think, behave, recruit and radicalize. Agencies are encouraged to leverage and utilize existing and past resources to develop training programs that have depth and levels of expertise (basic, advanced, specialized).

Expand Training Programs

In 2009, there was a need for standardized analytical tradecraft training for officers and analysts at state and local fusion centers. DHS has since implemented this training and should be commended for this effort. In 2010, the Bureau of Justice Assistance (BJA) created a new training program focused on the threat from the sovereign citizens movement. This training has proved invaluable.

State and local fusion centers and their law enforcement counterparts should further develop training programs about the domestic terrorist threat for other state and local government agencies within their jurisdiction that may come into contact with extremists, including county clerks, secretary of state offices, probation and parole officers, public notaries, division of motor vehicles and many others. Training topics could include extremist tactics and tradecraft, extremist identifiers (visual and verbal) as well as background material on extremist movements, ideology and criminal activity.

<u>Policy and Legislative Considerations</u>

It is important that the U.S. government take the lead in developing new strategies and tools for law enforcement and the courts to better deal with problems associated with domestic extremism. There is a need for the creation of a domestic terrorism advisory board at the federal level—the most likely place would be the Department of Justice. This advisory board could explore developing and maintaining a domestic terrorist group list similar to the U.S. State Department's list of foreign terrorist organizations. This may prove to be a difficult task given the ad-hoc nature of domestic terrorism (i.e. lone offender, small cell and leaderless resistance tactics), Constitutional protections and privacy issues. Nevertheless, there may be certain extremist groups or extremist movements that stand out as facilitators of criminality and violence. The advisory board could also develop a methodology for determining what ideologies, groups or movements constitute "extremism" and which deserve the label of "violent extremist". If the U.S. government is unwilling to pursue the establishment of such an advisory board, then states should go to their own respective attorney general's office for consultation on these matters, develop their own criteria and request a review of state statutes.

States should consider authorizing county clerks and secretary of state's offices the ability to reject sovereign citizen filings, frivolous lawsuits and bogus liens. They should implement reporting procedures for referring such matters to law enforcement. And, after the first bogus filing, government officials should not be obligated to process additional filings or collect fees on such filings whether rejected or not.

Some states have already drafted terrorism statutes (for preventing and prosecuting both domestic and international terrorists) in case the U.S. government is unwilling to prosecute. Other states should look into these laws and consider drafting their own similar legislation.

Perhaps the U.S. government and state governments should look into the possibility of penalty enhancements (similar to hate crime legislation, FACE Act or the Animal Enterprise and Terrorism Act) for those who commit crime after claiming to have renounced their citizenship (i.e. sovereign citizens). Such crimes could be viewed as treasonous or similar to sedition.

Conclusion

Mr. Chairman and Members of the Committee, thank you again for allowing me to testify about this most important issue facing our nation. Law enforcement and intelligence efforts have identified and mitigated much violent and criminal activity that threatens the peace of our communities. For many years, we have focused on the threat from al-Qaeda and homegrown Muslim extremism. It's now time to also strengthen our resolve to combat violent domestic non-Islamic extremism in all its forms. I have offered some of my insights concerning the domestic terrorist threat, our current limitations and best practices. I hope that some of these points will resonate with Committee members and inspire you to explore new ways to mitigate this threat and prevent future acts of violence.

Our federal, state and local law enforcement agencies are proficient at investigating ideologically-motivated crime and acts of terrorism using proven investigative methods and tools. We have made some progress in recent months with increasing public awareness of this issue, but there is much more to do. I also believe that our greatest achievements are still to come. We should remain determined to succeed in our goal to reduce violent ideologically-motivated crime, prevent terrorism, and protect the public from extremist threats.

I look forward to responding to any questions you may have.