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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 28, 2023

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

I write to request information regarding the Department's efforts to address the growing threat of extremists and other malicious actors exploiting the social media features of online video games to radicalize and recruit new members.

Last May, a gunman committed a horrific and premeditated act of hate-fueled domestic terrorism that killed ten and injured three more at a Tops Friendly Markets in Buffalo, New York. The perpetrator not only livestreamed this act of white supremacist violence against the Black community on the Twitch platform, he also reportedly used a private, invite-only Discord server to detail his plan to attack for months.¹ I subsequently pressed these social media platforms on their roles in promoting extremist content.² It is becoming increasingly clear that extremists are also using online games, and not just social media, as instruments to radicalize and recruit; the Buffalo gunman himself noted on his Discord server that "playing Apocalypse Rising on Roblox gave [him] interests in survival and guns" and that he "probably wouldn't be as nationalistic if it weren't for Blood and Iron on roblox [sic]."³

This concern transcends a single online game. Surveys conducted by watchdog research groups have found that a significant percentage of players have encountered white-supremacist extremism in online games. For adults, the top six online games where white-supremacist extremism is encountered are *Call of Duty* (44 percent), *Grand Theft Auto* (35 percent), *Valorant* (34 percent), *World of Warcraft* (31 percent), *Fortnite* (30 percent), and *PlayerUnknown's*

¹ Jonah E. Bromwich, *Before Massacre Began, Suspect Invited Others to Review His Plan*, N.Y. TIMES (May 17, 2022), <https://www.nytimes.com/2022/05/17/nyregion/buffalo-shooting-discord-chat-plans.html?referringSource=articleShare>.

² Press Release, U.S. Senate Committee on the Judiciary, Office of the Chair, Durbin Presses Social Media Platforms on their Roles in Promoting Extremist Context (May 19, 2022), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-presses-social-media-platforms-on-their-roles-in-promoting-extremist-context>.

³ See Ben Goggin (@BenjaminGoggin), TWITTER (May 18, 2022, 12:41 PM), <https://twitter.com/BenjaminGoggin/status/1526966284294012929>.

Battlegrounds (30 percent).⁴ This list varies for teenagers and for children ages 10 to 12.⁵ Watchdog research groups have also found extremist content on platforms like Steam, which is a video game storefront with incorporated social network and game streaming services.⁶ Extremists have also reportedly used *Minecraft* and *Roblox* to create maps simulating Nazi concentration camps and Uyghur detainment camps.⁷

It is not just domestic extremists who exploit these features. In 2021, U.S. Customs and Border Protection detained a woman who was trafficking nearly 60 kilograms of methamphetamine.⁸ A Mexican drug cartel began the recruitment process by contacting her on *Grand Theft Auto* online before transitioning communications from the game to the Snapchat app.⁹ The Mexican government has reported that cartels have also attempted to recruit players through the online components of *Call of Duty* and *Gears of War* in addition to *Grand Theft Auto V*.¹⁰

The reach that extremists and other malicious actors can achieve through online gaming is vast. According to the Entertainment Software Association, as of 2022, 65 percent of American adults and 71 percent of American minors play video games at least weekly.¹¹ Eighty-three percent of those players play with others online, up from 65 percent in 2020, for an average of several hours per week.¹² With this kind of access to Americans from every walk of life, it is easy to understand why extremists are exploiting this pastime.

However, the online video game industry has been slow to address the threat posed by extremists and other malicious actors on their platforms. Unlike more traditional social media companies—which in recent years have developed public-facing policies addressing extremism, created trust and safety teams, and released transparency reports—online gaming platforms generally have not utilized these tools. It appears that only Roblox Corporation has issued a public-facing policy addressing terrorism and extremism,¹³ and only Microsoft—the manufacturer of XBOX and publisher of games like *Halo* and *Minecraft*—has ever released a

⁴ *Hate is No Game: Hate and Harassment in Online Games 2022*, ADL CTR. FOR TECH. & SOC'Y 22-23 (Dec. 6, 2022), <https://www.adl.org/sites/default/files/documents/2022-12/Hate-and-Harassment-in-Online-Games-120622-v2.pdf>.

⁵ *Id.*

⁶ Peter Allen Clark, *Experts warn about rising extremism in gaming*, AXIOS (Apr. 27, 2022), <https://www.axios.com/2022/04/27/video-games-extremism>.

⁷ Carl Miller & Shiroma Silva, *Extremists using video-game chats to spread hate*, BBC NEWS (Sep. 23, 2021), <https://www.bbc.com/news/technology-58600181>.

⁸ Thomas Brewster, *How Mexico's Real Life Cartels Recruit Drug Mules on Grand Theft Auto Online*, FORBES (Jan. 24, 2022), <https://www.forbes.com/sites/thomasbrewster/2022/01/24/mexican-cartels-recruit-drug-mules-on-grand-theft-auto-online/?sh=49e2821c69f6>.

⁹ *Id.*

¹⁰ Associated Press, *Mexico: drug cartels recruiting youths through video games*, ASSOCIATED PRESS (October 20, 2021), <https://apnews.com/article/technology-mexico-media-caribbean-drug-cartels-05525fb65583bcfbcd8d43631f8863ad>.

¹¹ *2022 Essential Facts About the Video Game Industry*, ENT. SOFTWARE ASS'N 2 (Jun. 7, 2022), <https://www.theesa.com/wp-content/uploads/2022/06/2022-Essential-Facts-About-the-Video-Game-Industry.pdf>.

¹² *Id.* at 6.

¹³ See *Roblox Community Standards*, ROBLOX, <https://en.help.roblox.com/hc/en-us/articles/203313410-Roblox-Community-Standards> (last visited March 27, 2023).

transparency report.¹⁴ Given the complexity of this issue and the lack of concrete data that currently exists, it is crucial that Congress better understand the scope of this problem and what federal resources exist to help address it. For this reason, I ask that you contact my staff to schedule a briefing and respond to the following questions no later than April 18, 2023:

1. Has the Department of Justice (DOJ) or any of its components conducted any systematic review of the threats presented by the exploitation of online video games by extremists and other malicious actors? If so, what were the findings and is there a timeline for making any of these findings public?
2. What channels, if any, exist for DOJ and the online video game industry to communicate and coordinate regarding the threats presented by the exploitation of online video games by extremists and other malicious actors?
3. What resources or guidance do DOJ and its components currently offer for state, local, and tribal law enforcement partners to address the threats presented by extremists and other malicious actors on online video games?
4. What resources or guidance do DOJ and its components currently offer to the online video game industry to help the industry proactively address the threats presented by extremists and other malicious actors? When were these resources or guidance first created, and how have they been used by the online video game industry to date?
5. Are there further DOJ resources or guidance in development? If so, what are they and what is their timeline for implementation?
6. When incidents involving extremists and other malicious actors on online video game platforms are reported, how are they addressed by DOJ? Are there issues in how players or online game platforms report these incidents that inhibit the proper investigations of these incidents?
7. What best practices should the online video game industry implement to proactively address the threat posed by the exploitation of online video games by extremists and other malicious actors?
8. What best practices should the online video game industry implement to enhance the law enforcement response, where appropriate, to reported incidents regarding extremists and other malicious actors on online video games?

¹⁴ See XBOX, *2022 H1 Transparency Report*, MICROSOFT (Nov. 14, 2022), <https://assets.xboxservices.com/assets/34/6d/346daebf-6dd3-4487-bddb-adf6baafe151.pdf?n=Xbox-Transparency-Report-H1-2022.pdf>.

9. Are there aspects of current federal law that need to be clarified or updated to account for extremists and other malicious actors using online video games to crowdsource methods, radicalize users, and recruit new members?

Thank you for your attention to this important matter. I look forward to your prompt reply.

Sincerely,



Richard J. Durbin
Chair

cc: The Honorable Lindsey Graham
Ranking Member