DOMESTIC TERRORISM

And do we need new federal laws to combat it?

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American Bar Association Webinar
Nov. 20, 2019
TERRORISM

Violence against civilians
Motivated by politics
Sends a psychological message
AMERICA HAS TWO VIOLENT EXTREMISM PROBLEMS
AQ/ISIS INSPIRED VE

SYED FAROOK
TASHFEEN MALIK

[Image of a vehicle at the scene of an incident with images of two individuals, Syed Farook and Tashfeen Malik, positioned alongside.]
Al Shabab at height of power in Somalia

ISIS declares caliphate, 6/30/14

Diagram: Muslim-Americans Associated with Violent Extremism Since 9/11

- U.S. target, plot disrupted
- U.S. target, plot accomplished
- Target abroad, travel disrupted
- Target abroad, travel accomplished
- Target unknown
141 MURDERS

277,000 MURDERS

3 DAYS WORTH OF THE US MURDERS OVER 17.3 YEARS DUE TO AQ/ISIS EXTREMISM
WHITE SUPREMACIST INSPIRED
Domestic Extremist-Related Killings in the U.S. by Perpetrator Affiliation, 2009-2018

Right-wing extremists are responsible for the vast majority of extremist-related murders over the last decade.

- Right-Wing Extremism (all movements): 73.3%
- Left-Wing Extremism (including anarchists & black nationalists): 3.2%
- Islamist Extremism: 23.4%

Note: Total deaths include both ideologically and non-ideologically motivated killings. Source: ADL
Right-Wing Extremist-Related Killings in the U.S. by Perpetrator Affiliation, 2009-2018

3 OUT OF 4 killings committed by right-wing extremists in the U.S. are committed by white supremacists.

- White Supremacy: 76%
- Anti-Government Extremism: 19%
- Incel Extremism: 3%
- Anti-Abortion Extremism: 1%
- Other Right-Wing Extremism: 1%

TOTAL DEATHS: 313

Notes: 1. Anti-government extremism includes militia, sovereign citizen, tax protestor, “patriot” movement and anti-government survivalists. 2. Total deaths include both ideologically and non-ideologically motivated killings.

Source: ADL
Domestic Extremist-Related Killings in the U.S. by Perpetrator Affiliation, 2018

Almost all of the 2018 extremist-related murders were committed by right-wing extremists.

- White Supremacy: 78%
- Anti-Government Extremism: 16%
- Incel Extremism: 4%
- Domestic Islamist Extremism: 2%

Note: Total deaths include both ideologically and non-ideologically motivated killings.

Source: ADL
WHY DO AMERICANS ENGAGE IN VIOLENT EXTREMISM?
HOMEGROWN EXTREMISTS

FOREIGN INSURGENT EXTREMISTS
Attributes of Homegrown Violent Extremists

- There is no terrorist profile
- Personal experience drives adoption of ideology (not the other way around)
  - Social isolation
  - Family trauma
  - Unmet economic expectations
  - Issues relating to identity
- Group dynamics play a strong role in radicalization and adoption of violence
DO WE NEED A NEW DOMESTIC TERRORISM LAW?
TWO ISSUES

A CRIMINAL LAW FOR DOMESTIC TERRORISM

APPLICATION OF MATERIAL SUPPORT LAWS TO DOMESTIC TERRORISM
CRIMINAL LAW FOR DOMESTIC TERRORISM?

CRIMES TRANSCENDING NATIONAL BOUNDARIES (18 USC 2332b)

- KILLING, CAUSING SERIOUS BODILY INJURY
- DESTROYING PROPERTY TO CREATE SUBSTANTIAL RISK OF SERIOUS BODILY INJURY
- AG MAY INVESTIGATE ONLY IF THE ACT INTENDED:
  - INTENDED TO COERCER CIVILIANS
  - INFLUENCE GOVERNMENT BY INTIMIDATION
  - AFFECT THE CONDUCT OF GOVERNMENT BY MASS DESTRUCTION

CRIMES WITHIN THE US

- KILLING, CAUSING SERIOUS BODILY INJURY
- DESTROYING PROPERTY TO CREATE SUBSTANTIAL RISK OF SERIOUS BODILY INJURY
- AG MAY PROSECUTE ONLY IF CERTIFIES ACT INTENDED:
  - TO COERCER CIVILIANS
  - INFLUENCE GOVERNMENT BY INTIMIDATION
  - AFFECT THE CONDUCT OF GOVERNMENT BY MASS DESTRUCTION
REASONS TO CREATE NEW LAW

SENDS MESSAGE TO FBI ABOUT PRIORITIZING DOMESTIC TERRORISM CASES
REASONS TO CREATE NEW LAW

PROVIDES EQUIVALENT TREATMENT FOR INTERNATIONAL AND DOMESTIC TERRORISM CRIMES
IDELOGICALLY MOTIVATED VIOLENT PLOTS

More Severe Charges (greater penalties)
- Material support of terrorist organization
- Weapons of mass destruction

Category A (Perceived Muslim Perpetrators)
83% (10 of 12)

Category B (Perceived Non-Muslim Perpetrators)
17% (2 of 12)

Less Severe Charges (smaller penalties)
- Possession of a firearm as a felon
- Possession of means to make explosives

Category A (Perceived Muslim Perpetrators)
17% (2 of 12)

Category B (Perceived Non-Muslim Perpetrators)
83% (10 of 12)
Demand Equal Rights!

Muslims Demand Equal Rights!

Stop NYPD Ethnic, Racial & Religious Profiling

Who Watches NYPD?
REASONS TO CREATE NEW LAW

FEDERALIZATION IS APPROPRIATE AS WHITE NATIONALIST TERRORISM SENDS INTIMIDATING MESSAGE
APPLICATION OF MATERIAL SUPPORT LAW TO DOMESTIC TERRORISM

MATERIAL SUPPORT IN KNOWING SUPPORT OF OTHER FEDERAL TERRORISM RELATED CRIME 18 USC 2339A

- PERPETRATOR MUST "KNOW OR INTEND" MATERIAL SUPPORT TO BE USED FOR OTHER CRIME

- AKIN TO AIDING & ABETTING, BUT PERHAPS EASIER TO PROVE

- COULD BE USED TO TARGET FUNDERS OF WHITE SUPREMACIST GROUPS THAT KNOW THE SUPPORT WILL BE USED FOR DOMESTIC TERRORISM OFFENSES
# Application of Material Support Law to Domestic Terrorism

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<thead>
<tr>
<th>Material Support in Knowing Support of Other Federal Terrorism Related Crime</th>
<th>Material Support of Foreign Terrorism Organization</th>
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<tbody>
<tr>
<td><strong>18 USC 2339A</strong></td>
<td><strong>18 USC 2339B</strong></td>
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<tr>
<td>- Perpetrator must &quot;know or intend&quot; material support to be used for other crime</td>
<td>- Depends on creation of a list of terrorist organizations</td>
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<td>- Akin to aiding &amp; abetting, but perhaps easier to prove</td>
<td>- Provision of support to <a href="#">Organization</a> must be knowing, but doesn’t matter what organization uses support for</td>
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<td>- Could be used to target funders of white supremacist groups that know the support will be used for domestic terrorism offenses</td>
<td>- Powerful tool for prosecutors to go after funders, planners, and other “left of boom” conduct.</td>
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Crime
18 USC sec. 2339B
Material support for terrorism
20 year sentence

ISIS

RISE ABOVE MOVEMENT
Crime
18 USC sec. 2339B
Material support for terrorism
20 year sentence

ISIS

RISE ABOVE MOVEMENT