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**THESIS**

**THE EMERGING THREAT OF DOMESTIC  
TERRORISM: A SYSTEMATIC REVIEW OF EVOLVING  
NEEDS, THREATS, AND OPPORTUNITIES**

by

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December 2014

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REVIEW OF EVOLVING NEEDS, THREATS, AND OPPORTUNITIES**

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## **ABSTRACT**

The domestic terrorist threat in the United States is active and complex, with ongoing threats from violent left- and right-wing extremist groups, and radicalization and recruitment efforts by international terrorist groups. In response, domestic intelligence agencies, at all levels of government, have instituted reforms and improvements since 9/11, but there are still gaps in information-sharing and community engagement. For example, a review of the Boston Marathon bombings uncovered that important risk-based information was not shared with local law enforcement. Concerning domestic terrorism, the United States may, once again, be failing to “connect the dots.”

This thesis synthesizes existing studies, reports, and expert testimony concerning domestic terrorism and the roles of domestic intelligence agencies, law enforcement, and the public, and proposes the development and implementation of a formal, national counterterrorism (CT) doctrine. The CT doctrine, in conjunction with a counter-radicalization strategy, should focus on bottom-up intelligence/information-sharing, training to strengthen and focus intelligence collection efforts, and culturally sensitive and engaging messaging on social media and the Internet to counter extremist propaganda.

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
ADL	Anti-Defamation League
ALF	Animal Liberation Front
AQAM	Al Qaeda and Allied Movements
BCA	Baseline Capabilities Assessment
BCOT	Building Communities of Trust
BJA	Bureau of Justice Assistance
BPD	Boston Police Department
CHDS	Center for Homeland Defense and Security
COC	Critical Operational Capability
CRS	Congressional Research Service
CT	Counterterrorism
DHS	Department of Homeland Security
DOJ	Department of Justice
ELF	Earth Liberation Front
FBI	Federal Bureau of Investigation
FIG	Field Intelligence Group
FOIA	Freedom of Information Act
GAO	Government Accountability Office
I&A	Intelligence and Analysis
IC	Intelligence Community
IHSS	Institute for Homeland Security Solutions
IIR	Intelligence Information Report
IRTPA	Intelligence Reform and Terrorism Prevention Act
ISIS/ISIL	Islamic State in Iraq, Syria/Islamic State in Iraq, the Levant
JTTF	Joint Terrorism Task Force
NIE	National Intelligence Estimate
NIJ	National Institute of Justice
NSB	National Security Branch
NSI	Nationwide Suspicious Activity Reporting Initiative

ODNI	Office of the Director of National Intelligence
PBS	Public Broadcasting Service
PMO	Program Management Office
SAR	Suspicious Activity Reporting
SPLC	Southern Poverty Law Center
TRAC	Transactional Records Access Clearinghouse
USC	United States Code

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# I. INTRODUCTION

## A. PROBLEM STATEMENT—BACKGROUND

Homeland security officials are concerned that the rise in domestic terrorism attacks may be an “early warning” that domestic radicalization is becoming more likely in the United States.<sup>1</sup> A 2010 Congressional Research Service (CRS) report stated that the threat of homegrown terrorism is growing, yet there is no coordinated effort to identify and address the factors influencing domestic radicalization. There are no established goals, nor is there a designated agency or combination of agencies to take the lead in classifying the origins of radicalization, identifying trends, and taking the steps necessary to prevent or mitigate the issue. This rise in radicalization may have directly impacted domestic terrorism threats and opportunities in America and key law enforcement agencies, such as the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), state fusion centers, and local law enforcement may not be focusing on the true nature and breadth of these threats. With regard to intelligence, terrorism expert Brian Jenkins states that “preventing future terrorist attacks requires effective domestic intelligence collection that is best accomplished by local authorities.”<sup>2</sup>

There is evidence for this concern in the current structure of the domestic intelligence agencies. The Office of the Director of National Intelligence (ODNI) oversees the Intelligence Community (IC), which primarily focuses on foreign intelligence and threats to the U.S. homeland and U.S. interests abroad. Only a select few federal agencies, within the IC, focus exclusively on domestic terrorism. The FBI is this country’s domestic intelligence agency responsible for handling domestic terrorism, but the FBI does not report to the ODNI. The state-level intelligence agencies are fusion centers, initially established to share terrorist-related information among state, local, tribal, and federal law enforcement. However, many of the 70+ fusion centers have

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<sup>1</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs, *Violent Islamist Extremism, The Internet, and the Homegrown Terrorist Threat* (Washington, DC: United States Senate, 2008), <http://www.hsgac.senate.gov/imo/media/doc/IslamistReport.pdf?attempt=2>, 4.

<sup>2</sup> Jerome Bjelopera, *American Jihadist Terrorism: Combating A Complex Threat* (Washington, DC: Congressional Research Service, 2013), 46.

expanded their roles to include all hazards and/or all crimes. This expanded role of fusion centers may be diluting their effectiveness in dealing with domestic terrorism because their focus has been diverted to other crimes and emergencies.

National intelligence estimates (NIEs), produced by the ODNI, are considered the “gold standard” of intelligence assessments. According to Zegart, “NIEs are supposed to give the best, big picture understanding of the whole Intelligence Community on a vital problem laden with serious uncertainties.”<sup>3</sup> They are long-term estimates on the likely direction taken by a potential issue or threat. The most recent NIE, entitled, *The Terrorist Threat to the U.S. Homeland*, was issued by the National Intelligence Council in July 2007 and claimed that “[t]he main threat comes from Islamic terrorist groups and cells, especially al-Qa’ida.”<sup>4</sup> There was a brief and insignificant statement about non-Muslim domestic threats:

We assess that other, non-Muslim terrorist groups—often referred to as “single-issue” groups by the FBI—probably will conduct attacks over the next three years given their violent histories, but we assess this violence is likely to be on a small scale.<sup>5</sup>

Until September 2012, no other domestic terrorism NIEs or intelligence reports encompassing all potential terrorist groups had been produced since 2007.

A January 2009 report by the DHS Office of Intelligence and Analysis (I&A) states that left-wing extremism activities, particularly cybercrime, will increase over the next decade.<sup>6</sup> In addition, an April 2009 DHS I&A report on domestic right-wing extremism warns of increasing recruitment and radicalization.<sup>7</sup> In July 2014, a DHS I&A

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<sup>3</sup> Amy B. Zegart, *Spying Blind: The CIA, the FBI, and the Origins of 9/11* (Princeton, NJ: Princeton University Press, 2007), 85.

<sup>4</sup> National Intelligence Council, *National Intelligence Estimate: The Terrorist Threat to the U.S. Homeland* (Washington, DC: National Intelligence Council, 2007), 6.

<sup>5</sup> *Ibid.*, 7.

<sup>6</sup> Department of Homeland Security [DHS], Office of Intelligence and Analysis, *Leftwing Extremists Likely to Increase Use of Cyber Attacks over the Coming Decade* (Washington, DC: Department of Homeland Security, 2009), accessed October 25, 2010, <http://www.fas.org/irp/eprint/leftwing.pdf>

<sup>7</sup> Department of Homeland Security [DHS], Office of Intelligence and Analysis, *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* (Washington, DC: Department of Homeland Security, 2009), accessed October 25, 2010, <http://www.fas.org/irp/eprint/rightwing.pdf>

intelligence assessment highlighted the growing threat to government officials and law enforcement from anti-government extremists, such as militias and Sovereign Citizens.<sup>8</sup> As described in this recent DHS I&A assessment, the trend continues to show a rise in the domestic terrorism threat by non-Islamic domestic terrorist groups. A 2010 *Time* magazine cover story gave a detailed account of “The Secret World of Extreme Militias” and concerns about the rise in armed anti-government extremist groups.<sup>9</sup> An October 2010 Institute for Homeland Security Solutions report looked at domestic terrorist plots over the past decade by groups with all types of ideological philosophies. The report urges homeland security officials to:

Continue to investigate Al Qaeda and Allied Movements (AQAM), but do not overlook other groups, and pay particular attention to plots by “lone wolves.” Less than half of U.S. terror plots examined had links to AQAM, and many non-AQAM plots, primarily those with white supremacist or anti-government/militia ties, rivaled AQAM plots in important ways.<sup>10</sup>

A 2011 document from the White House, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*, strengthens the national security and counterterrorism messages voiced in earlier White House documents by proposing a strategy with which the federal government will support and empower communities and local partners to help prevent violent extremism.<sup>11</sup> This philosophy supports the recommendations made in several research reports and studies, and mentioned in this thesis, in which local law enforcement and the American public are named as key players in combating domestic terrorism. However, there is not a clear plan for how this will be accomplished, what planning and training resources are and will be available, and whether or not declining federal grant funds will be assessed and made available specifically for this endeavor.

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<sup>8</sup> Department of Homeland Security [DHS], Office of Intelligence and Analysis, *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement* (Washington, DC: Department of Homeland Security, 2014).

<sup>9</sup> Barton Gellman, “The Secret World of Extreme Militias,” *Time*, September 30, 2010.

<sup>10</sup> Kevin Strom et al., *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009* (Research Triangle Park, NC: Institute for Homeland Security Solutions, 2010).

<sup>11</sup> The White House, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States* (Washington, DC: The White House, 2011).

The Southern Poverty Law Center (SPLC) produces an annual report on the number of active hate and extremist groups in the U.S. The SPLC's most recent report claims that although the number of groups declined in 2013,<sup>12</sup> the Anti-Defamation League (ADL) expressed concern that violence by domestic extremists, particularly against law enforcement, is rising.<sup>13</sup>

Weighing the consequences of sacrificing civil liberties and privacy against protecting the safety of the country is an ongoing debate when addressing domestic terrorism. Federal, state, and local domestic intelligence agencies continually proclaim their commitment to preserving citizens' civil rights and civil liberties while completing their mission of counterterrorism and national security. However, the American Civil Liberties Union is one of many agencies contending that civil liberties continue to be violated by domestic intelligence agencies with the collection, dissemination, and investigation of questionable information and "suspicious" activities of the American public.<sup>14</sup> Surprisingly, recent polls indicate that adults nationwide are more concerned that national anti-terrorism policies have not done enough to protect our country, with lesser concern about the restrictions on civil liberties.<sup>15</sup> A true balance is needed to properly address domestic terrorism and preserve citizens' fundamental rights.

The intelligence collection and analysis process is a critical piece in combating domestic terrorism. In fact, the 9/11 Commission expressed concern that the IC had not produced a comprehensive intelligence estimate on the terrorist threat between 1997 and leading up to September 11, 2001.<sup>16</sup> Even with the apparent increase in homegrown terrorism, an NIE on domestic terrorism has not been produced to date. However, during

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<sup>12</sup> Mark Potok, *The Year in Hate and Extremism*, Southern Poverty Law Center, 2014, accessed July 14, 2014, <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2014/spring/The-Year-in-Hate-and-Extremism>

<sup>13</sup> Anti-Defamation League, "Officers Down: Right-Wing Extremists Attacking Police at Growing Rate," Anti-Defamation League [blog], June 9, 2014 <http://blog.adl.org/extremism/officers-down-right-wing-extremists-attacking-police-at-growing-rate>

<sup>14</sup> Michael German, and Jay Stanley, *What's Wrong with Fusion Centers?* (Washington, DC: American Civil Liberties Union, 2007).

<sup>15</sup> "Terrorism," 2014, accessed November 27, 2014, <http://www.pollingreport.com/terror.htm>

<sup>16</sup> National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington, DC: National Commission on Terrorist Attacks Upon the United States, 2004), 341–342.

a 2012 hearing before the Senate Committee on the Judiciary, Sub-Committee on the Constitution, Civil Rights and Human Rights focusing on *Hate Crimes and the Threat of Domestic Extremism*, Deputy Assistant Director (DAD) Michael Clancy of the FBI's Counterterrorism Division, mentioned an unclassified, limited distribution National Terrorism Assessment of Domestic Terror was currently available. According to this assessment, "domestic extremist movements pose a medium to low terrorism threat," and DAD Clancy highlighted the recent violent acts<sup>17</sup> committed by "lone offenders and small cells."<sup>18</sup>

The problem this thesis will focus on is whether or not the emerging threat of domestic terrorism and the extent of the risks posed by all domestic terrorists, including non-Islamic extremists and lone wolves, are issues that are under-emphasized by the FBI, DHS, state fusion centers, and local law enforcement agencies.

## **B. RESEARCH QUESTIONS**

This thesis will explore the domestic terrorist threat by reviewing the current threat level and the roles and responsibilities of key players in combating domestic terrorism. An action plan will be recommended based on the answers to the research questions listed below.

**Primary Question:** If the domestic terrorist threat in the U.S. is growing, what changes must take place to improve the collaborative relationship between the Federal Bureau of Investigation, Department of Homeland Security, state fusion centers, and local law enforcement to facilitate information sharing for the sake of homeland and national security protection?

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<sup>17</sup> In 2012, the FBI dismantled an anarchist extremist cell comprised of five men who planned to blow up a bridge in Cleveland, Ohio. In November 2011, four members of a militia in Georgia were arrested for planning to acquire silencers and explosives to use against various U.S. government targets in Atlanta, Georgia. Three high-profile lone offender shootings in 2012—at a movie theater in Aurora, Colorado; at a Sikh temple in Wisconsin; and at the Family Research Council headquarters in Washington, D.C.—resulted in the combined deaths of 18 individuals and the wounding of over 50.

<sup>18</sup> *The Domestic Terrorism Threat, Testimony before Senate Judiciary Committee, Hate Crimes and the Threat of Domestic Extremism* (2012) (testimony of Michael Clancy), <http://www.fbi.gov/news/testimony/the-domestic-terrorism-threat>

**Secondary Question:** How can existing threat briefings and intelligence products be improved upon so they sufficiently address the evolving threats of all domestic terrorism groups, inform first responders and, as necessary, are transparent to the American public?

### **C. HYPOTHESIS**

The domestic terrorist threat in the United States is growing and the Federal Bureau of Investigation, the Department of Homeland Security, state fusion centers, and local law enforcement are not focused on the magnitude of this emerging issue. As a result, new threats from a variety of domestic terrorist groups are emerging, opportunities for collaboration among federal, state, and local intelligence agencies are missed, and the public at large is denied a substantial role in potentially combating the threat.

### **D. METHODOLOGY**

The research methodology used for this thesis will be a systematic review that involves synthesizing the existing studies, reports, and expert testimony to date concerning domestic terrorism and the roles of domestic intelligence agencies, law enforcement, and the public. The framework for this systematic review is a modified force field analysis.

Force field analysis, developed by social psychologist Kurt Lewin, is used as a brainstorming tool when planning for change. In this thesis, the method is modified to gauge the strength and possibility of the driving forces (forces for change) relative to the core claims identified in this thesis. These driving forces will be measured against the restraining forces (forces for status quo). The driving and restraining forces will be compiled from the studies, reports, and testimony on the subject, and the prevailing driving and restraining forces will be treated as best practices in determining the extent of the domestic terrorism threat in the U.S. and the necessary policies for addressing the threat. Finally, recommendations will be developed, along with a plan for implementation.

In the net chapter, the literature review identifies the various studies, reports, and resources that describe past and current domestic terrorism incidents and the profiles of and threats posed by numerous domestic violent extremist groups. Many reports and books, especially since September 11, 2001, identify the strengths and weaknesses of the intelligence process; the roles of local law enforcement, domestic intelligence agencies, and the public, in that process; and recommendations for change to improve the process. This chapter also notes the areas scarce or missing in the literature, such as a comprehensive analysis of the current and anticipated domestic terrorist threat in the U.S. and the recommendations for addressing the proliferation of the lone wolf or lone offender.

In order to conduct a systematic review of the emerging threat of domestic terrorism in the U.S., the driving forces and restraining forces that characterize the magnitude of the threat are identified in Chapter III. The chapter first provides a definition of domestic terrorism and other common terms that are closely related to the domestic terrorism discussion. This includes a comparison between domestic terrorist crimes, hate crimes, and homegrown violent extremism, as well as lone wolf terrorists and active shooters. The chapter also outlines the evolution of domestic terrorism, beginning with the first recognized domestic terrorist group that was formed in 1866, the proliferation of right- and left-wing extremist groups, and the emergence of foreign terrorists in the 1990s is also outlined. The growing Sovereign Citizen movement and American foreign fighters for the Islamic State in Iraq and Syria (ISIS) monopolize the discussion of the current scope of domestic terrorism in the U.S.

Chapter IV provides an overview of the roles and impacts of the key federal, state, and local agencies responsible for collecting, analyzing, and disseminating intelligence concerning domestic terrorism: the Federal Bureau of Investigation, Department of Homeland Security, state fusion centers, and local law enforcement. It also describes the current structure and focus of the domestic intelligence enterprise. There is also a discussion on the important role played by the public in the identification and prevention of domestic terrorism incidents through reporting of suspicious activities and actions taken to foil terrorist attacks. The driving forces that support changes to the current

domestic intelligence structure and more involvement from the public are compared to the restraining forces that promote resistance to further intrusions of privacy and civil liberties through enhanced intelligence collection methods and information-sharing, and the contention that the domestic terrorism threat is not as serious as it appears.

Chapter V is devoted to the analysis of the strength of each of the driving and restraining forces identified in earlier chapters; the results of which will influence whether or not the increasing domestic terrorism threat and related violence are at a level that require more robust vigilance and prevention efforts. With respect to the current domestic intelligence environment, the influences of key players, such as federal, state, and local government agencies, the public, the media, and other public and private entities are discussed in Chapter V.

Based on the analysis of the driving and restraining forces concerning the growing domestic terrorism threat and the current collaboration and focus of domestic intelligence agencies, Chapter VI provides the recommendations and next steps that all levels of government should take to ensure the public's continued safety from domestic terrorism, to actively address radicalization, and to continue to collecting and sharing pertinent information with the correct entities—all while protecting privacy and civil liberties. There are challenges to meeting these requirements, though, as there is an ongoing debate concerning how much the public should know about terrorism threats and when. Also, can the country be adequately protected from domestic terrorism without surrendering privacy and restricting civil liberties? These issues should be in the forefront of ongoing research, along with the continued examination of the unpredictable lone wolf offender and an evaluation of the effectiveness and impacts of a central activity in the domestic terrorism fight: the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI).

This chapter has focused on the major domestic terrorism issues faced by federal, state, and local homeland security officials today in assessing and tackling the evolving threat. As stated above, this thesis will focus on identifying the scope of the current threat and outlining the strategy and roles of federal, state, and local domestic intelligence agencies, as well as the public, in addressing the threat. The next chapter is the literature review and will identify available resources that document the current threats, profile key

players in prevention and mitigation of the threats, and highlight the common recommendations made by subject-matter experts for addressing the threats.

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## **II. LITERATURE REVIEW**

This literature review examines the documents that support or refute the claims made in the research questions and in response to the issues identified in the problem statement. The review includes books on terrorism and intelligence; government documents, including Congressional testimony and reports; research reports and studies; and journal articles and non-print media concerning this country's domestic terror threat, and the status of domestic intelligence efforts made by domestic intelligence agencies and law enforcement agencies. A review of the literature indicates that the focus on foreign terrorist threats, and less on domestic terrorist groups, may be short-sighted. Overall, the "lone wolf" has emerged in the literature as the most successful perpetrator of terrorist acts and a great concern for law enforcement. An additional danger for law enforcement is the increasing violence perpetrated by anti-government extremist groups, especially anti-police groups. The recent threat by the Islamic State of Iraq and Syria (ISIS) has also made headlines, as ISIS has used social media to urge lone wolf attacks against Westerners.

### **A. DOMESTIC TERRORIST THREAT**

The amount of literature on the evolving threats from domestic terrorism has increased over the past few years with the surge in high profile violent acts perpetrated by anti-government groups and individuals, increasing attacks by active shooters, and the discernible threat from foreign fighters. The domestic terrorist threat can be from Americans who have United States-based extremist ideologies or those in the U.S. who are inspired by international terrorist organizations.

The New America Foundation website (<http://newamerica.org/>) contains multiple databases on homegrown violent extremism in the U.S., particularly the number and type of terrorist plots and how they were discovered, the number of deaths related to violent extremist attacks, and the total number of Jihadist and non-Jihadist extremists identified since 2001. Its databases are up-to-date, as of October 2014. The purpose of the databases is "to provide as much information as possible about American citizens and permanent

residents engaged in violent extremist activity as well as individuals, regardless of their citizenship status, living within the United States who have engaged in violent extremist activity.”<sup>19</sup> This includes those motivated by jihadist ideology and those motivated by other non-jihadist ideologies, such as right-wing, left-wing, or other radical groups.<sup>20</sup>

A notable domestic terrorist group is known as Sovereign Citizens and is recognized as a “top concern” among law enforcement.<sup>21</sup> On May 15, 2011, a *60 Minutes* story, “A Look at the ‘Sovereign Citizen’ Movement,” “introduced” the Sovereign Citizens, “an Internet-based anti-government group that the FBI lists among the top ten domestic terror threats facing the United States.”<sup>22</sup> Journalist Byron Pitts begins the piece by stating that it is about “a group of Americans you’ve likely never heard of” although their size is estimated to be over 300,000 members.<sup>23</sup> This is not a newly formed group; the Sovereign Citizen interviewed for the piece has been a member of the movement for over 28 years. The subject matter expert and law enforcement officials interviewed voiced concerns about the growing violence of the Sovereign Citizens, especially against law enforcement and judges. The Federal Bureau of Investigation (FBI) and Southern Poverty Law Center websites both highlight the Sovereign Citizens among other known domestic terrorist or hate groups of today.

An FBI Law Enforcement Bulletin highlights the evolving nature of terrorism since September 11, 2001 (9/11) and warns that the “violent extremist threat is not limited to those with Islamist ideology” as it takes a close look at the motivations and activities of Sovereign Citizens.<sup>24</sup> In a 2006 speech, then-FBI Director Robert Mueller expressed concern about the homegrown terrorism threat and stated that the FBI was

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<sup>19</sup> New America’s International Security Program, “Homegrown Extremism 2001–2014,” 2014, New America Foundation, accessed November 2, 2014, <http://securitydata.newamerica.net/extremists/analysis>

<sup>20</sup> Ibid.

<sup>21</sup> David Carter et al., *Understanding Law Enforcement Intelligence Processes* (College Park, MD: START, 2014).

<sup>22</sup> Byron Pitts, “A Look at the ‘Sovereign Citizen’ Movement,” *60 Minutes*, May 5, 2011.

<sup>23</sup> Ibid.

<sup>24</sup> John E. Ott, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement,” *FBI Law Enforcement Bulletin* (September 2011), <http://leb.fbi.gov/2011/september/sovereign-citizens-a-growing-domestic-threat-to-law-enforcement>

looking at “hundreds” of individuals in the country.<sup>25</sup> The FBI website contains copies of testimony made by its various senior staff over the years regarding the threat from domestic extremist movements. As mentioned in the previous chapter, the most recent testimony on the subject was that of FBI Deputy Assistant Director Michael Clancy, before the Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Human Rights in September 2012, when he stated that domestic extremists pose a “medium to low” terrorism threat.<sup>26</sup>

A Congressional Research Service (CRS) report, *American Jihadist Terrorism: Combating a Complex Threat*, highlights the escalation in Islamic jihadist plots in the U.S. between May 2009 and December 2012, with the discovery of 63 “homegrown,” jihadist-inspired terrorist plots by American citizens or legal permanent residents of the U.S., two of which were successful. From 9/11 through May 2009, however, there were only 21 plots, two of which were successful.<sup>27</sup> All four of the successful homegrown jihadist attacks were perpetrated by lone wolves.<sup>28</sup>

In 2010, the Institute for Homeland Security Solutions (IHSS) studied open source evidence of foiled and executed terrorist plots against U.S. targets for the period from 1999 through 2009 in its report entitled *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009*. IHSS looked at groups with all types of ideological philosophies, not just al-Qaeda and Allied Movements (AQAM). This study supported other studies’ concerns about the proliferation of lone wolves and recommended that both the public and local law enforcement are instrumental in the prevention of and the war against domestic terrorism.<sup>29</sup> The research uncovered 86 cases;

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<sup>25</sup> Associated Press, “FBI Director: Homegrown Terror Threat Rises,” *MSNBC*, September 7, 2006, accessed October 22, 2010, <http://www.msnbc.msn.com/id/14715980/%5Benter%20URL%5D>

<sup>26</sup> *The Domestic Terrorism Threat* (testimony of Michael Clancy).

<sup>27</sup> Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*.

<sup>28</sup> The four successful homegrown jihadist attacks included Nidal Malik Hasan, Fort Hood, Texas Shooting, November 5, 2009, 13 killed and 43 wounded; Abulhakim Muhammad, Shooting at the Little Rock, Arkansas Military Recruiting Center, June 1, 2009, one killed and one wounded; Hasan Akbar, Attack on Soldiers at U.S. Army Post in Kuwait, March 23, 2003, two killed and 14 wounded; and Mohammed Reza Taheri-Azar, Attempted Vehicular Murder at the University of North Carolina at Chapel Hill, March 3, 2006, nine injured. Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*.

<sup>29</sup> Strom et al., *Building on Clues*.

40 out of the 86 involved Islamic extremists, and non-Islamic extremists were responsible for 32 out of the 86 cases. Interestingly, the non-Islamic extremist groups were more successful in executing their attacks than Islamic-extremist groups. Also, lone wolves were more successful than small and large groups, with an execution rate of 30 percent versus 16 percent for small and large groups combined.<sup>30</sup>

According to a September 2010 report, *Assessing the Terrorist Threat: A Report of the Bipartisan Policy Center's National Security Preparedness Group*, the U.S. is “stumbling blindly through the legal, operational, and organizational minefield of countering terrorist radicalization and recruitment occurring in the United States.”<sup>31</sup> The report further describes al-Qaeda’s diversity strategy in the homeland. That is, al-Qaeda is recruiting and training a variety of ethnically diverse individuals, within the U.S., to conspire against the homeland. This strategy is to prevent law enforcement from developing a profile of the radicalized individuals. This report and similar reports on the growing radicalization in the U.S. recommend that the best chances for responding to the “dynamic and diversified” domestic terrorism threat is to engage state and local law enforcement and public safety officials, as well as the general public. However, this strategy is not being executed.

The above mentioned report by the Bipartisan Policy Center was updated in 2013, *Jihadist Terrorism: A Threat Assessment*. In this report, the new trend that is evident from international terrorist groups was clear: “the threat from jihadist violence has shifted away from plots directly connected to foreign groups to plots by individuals who are merely inspired by them.”<sup>32</sup> They cite the April 2013 Boston Marathon bombings as an example of the dangers of “disaffected individuals influenced by al-Qaeda’s ideology.”<sup>33</sup> In that case, it appears that key information was not shared by federal entities with local law enforcement. In retrospect, this information may have assisted local law enforcement

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<sup>30</sup> Ibid.

<sup>31</sup> Peter Bergen, and Bruce Hoffman, *Assessing the Terrorist Threat: A Report of the Bipartisan Policy Center's National Security Preparedness Group* (Washington, DC: Bipartisan Policy Center, 2010), 30.

<sup>32</sup> Peter Bergen et al., *Jihadist Terrorism: A Threat Assessment* (Washington, DC: Bipartisan Policy Center, 2013).

<sup>33</sup> Ibid., 5.

in assessing the risks posed by the alleged perpetrators. Increased information-sharing from federal intelligence and law enforcement agencies to state, local, and tribal law enforcement agencies is the top recommendation resulting from an investigation, by the House Committee on Homeland Security, of the response to and the aftermath of the Boston Marathon bombings.<sup>34</sup> As explained in the 2014 Congressional report, *The Road to Boston: Counterterrorism Challenges and Lessons from the Marathon Bombings*, increased information-sharing translates into greater resources for the FBI and Joint Terrorism Task Forces (JTTFs), as the hundreds of thousands of state, local, and tribal law enforcement officers may now act as the eyes and ears of federal law enforcement.<sup>35</sup>

The emerging threat posed by the Islamic State of Iraq and Syria (ISIS) is currently a common topic in Congressional hearings and briefings. The RAND Corporation published disturbing statistics concerning ISIS and their growing influence on American foreign fighters. The information is based on counterterrorism expert Seth Jones' testimony before the Committee on Homeland Security's Subcommittee on Counterterrorism and Intelligence on July 24, 2014 concerning *Jihadist Sanctuaries in Syria and Iraq: Implications for the United States*.<sup>36</sup> In contrast, the *CRS Insights* briefing, entitled "American Foreign Fighters and the Islamic State: Broad Challenges for Federal Law Enforcement," published in September 2014, states that the Department of Homeland Security (DHS) reports that ISIS "currently poses no specific or credible threat to the homeland," but there is very little documented information on Americans fighting for ISIS.<sup>37</sup>

Several terrorism books have been published since 9/11, but very few are focused on domestic terrorism; instead the issue of foreign terrorism dominates. *Inside Terrorism*,

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<sup>34</sup> Majority Staff of the Committee on Homeland Security, *The Road to Boston: Counterterrorism Challenges and Lessons from the Marathon Bombings* (Washington, DC: Homeland Security Committee, 2014).

<sup>35</sup> Ibid.

<sup>36</sup> *Jihadist Sanctuaries in Syria and Iraq: Implications for the United States, testimony before House Homeland Security Committee, Subcommittee on Counterterrorism and Intelligence, 114<sup>th</sup> Cong.* (2014) (testimony of Seth G. Jones), <http://www.rand.org/pubs/testimonies/CT414.html>

<sup>37</sup> Jerome Bjelopera, *American Foreign Fighters and the Islamic State: Broad Challenges for Federal Law Enforcement*, *CRS Insights* (Washington, DC: Congressional Research Service, 2014), <http://www.fas.org/sgp/crs/terror/index.html>

by Bruce Hoffman, is the go-to book on terrorism. Hoffman discusses the motivations and origins of both al-Qaeda and domestic, non-Islamic terrorist groups. His book is a comprehensive look at the evolution of terrorism and the projected future of terrorism, particularly al-Qaeda.<sup>38</sup> It is possible to get a fair and balanced perspective on terrorist threats and trends from this one source.

The anthology book, *Intelligence and National Security*, contains a variety of essays, from 38 contributors, on the history of American intelligence, the types of intelligence collected, challenges faced by intelligence analysts, and the intelligence agencies in other countries. This document is lacking information, however, on the evolving nature of the domestic terrorist threat today and the ethical and legal challenges faced by domestic intelligence and law enforcement agencies.<sup>39</sup>

The RAND Corporation's 2014 conference report on *Identifying Enemies among Us: Evolving Terrorist Threats and the Continuing Challenges of Domestic Intelligence Collection and Information Sharing* provides multiple perspectives, from various federal, state, and local homeland security officials, on the threat of terrorism to the U.S. and potential strategies for addressing the ongoing threat.<sup>40</sup>

Several intelligence reports concerning terrorist threats have been created and published by the federal agencies responsible for homeland security and counterterrorism. In 2009, the DHS Office of Intelligence and Analysis (I&A) published a series of intelligence assessments focusing on violent radicalization in the U.S. Although the April 2009 assessment of "Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment" created a stir by concluding that returning, disgruntled military veterans may be targets for recruitment and radicalization by rightwing extremists, the statement that "lone wolves and small terrorist cells embracing violent rightwing extremist ideology are the most dangerous

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<sup>38</sup> Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006).

<sup>39</sup> Loch K. Johnson, and James J. Wirtz, eds., *Intelligence and National Security: The Secret World of Spies: An Anthology* (New York: Oxford University Press, 2008).

<sup>40</sup> Brian Michael Jenkins, Andrew Liepman, and Henry H. Willis, *Identifying Enemies among Us: Evolving Terrorist Threats and the Continuing Challenges of Domestic Intelligence Collection and Information Sharing* (Washington, DC: RAND Corporation, 2014).

domestic terrorism threat in the United States”<sup>41</sup> comports with other experts’ opinions on the proliferation of lone wolves. This statement is supported by remarks made by FBI Deputy Assistant Director Michael Clancy before the Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Human Rights in 2012, concerning the findings of a recently disseminated *National Terrorism Assessment on Domestic Terrorism*.<sup>42</sup> DHS I&A published another report in July 2014, *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement*, which warns against non-Islamic, anti-government extremist domestic groups and lone offenders.<sup>43</sup>

In contrast to the majority of domestic terrorism studies cited above, a few high profile journal articles and special investigative reports by the media have focused on non-Islamic extremism in the U.S. These non-Islamic domestic terrorist groups are not usually profiled on the nightly news and may not be on the radar of most Americans.

An exception to this trend was a 2010 *Time* magazine cover story on militias. The story gave a detailed account of “The Secret World of Extreme Militias” and highlighted the rise in armed and violent anti-government extremist groups. This article, too, warns of the danger of lone wolves, an issue that an unidentified “top” FBI counterterrorism (CT) official states is the FBI’s “biggest concern.”<sup>44</sup>

A robust source for information on non-Islamic terrorist groups is the Southern Poverty Law Center’s (SPLC) website ([www.splcenter.org](http://www.splcenter.org)). The site has numerous profiles of domestic groups, including militias and the increasingly violent Sovereign Citizens.

Very few resources exist that focus on the “lone wolf” terrorist, and the subject has only recently become more popular due to some high-profile, violent events perpetrated by lone wolves. Jeffrey D. Simon’s 2013 book on *Lone Wolf Terrorism:*

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<sup>41</sup> DHS Office of Intelligence and Analysis, *Rightwing Extremism*, 7.

<sup>42</sup> *The Domestic Terrorism Threat* (testimony of Michael Clancy).

<sup>43</sup> DHS Office of Intelligence and Analysis, *Domestic Violent Extremists*.

<sup>44</sup> Gellman, “The Secret World of Extreme Militias,” 12.

*Understanding the Growing Threat* tries to define lone wolf terrorism, identify major challenges in identifying lone wolves, and introduce some preventive and responsive strategies for dealing with lone wolf terrorism.<sup>45</sup> A 2013 American Society of Criminology research article on loner attacks and domestic extremism, *Distinguishing “Loner” Attacks from Other Domestic Extremist Violence: A Comparison of Far-Right Homicide Incident and Offender Characteristics*, makes the case for additional research on this topic.<sup>46</sup> There is a strong correlation between lone wolf terrorists and active shooters. The FBI makes this comparison in its 2014 report, entitled *A Study of Active Shooter Incidents in the United States Between 2000 and 2013* when they identified 160 active shooter incidents, of which 158 were perpetrated by a single shooter or lone offender.<sup>47</sup>

Compared to many other countries, the U.S. does not face the same magnitude of terrorist attacks or threats on its own soil. The actual threat and the perceived threat may be significantly different, based on media influence, political rhetoric, and human nature. Any discussion on the domestic terrorist threat in the U.S. and the most effective methods for collecting and analyzing domestic intelligence and sharing information must take these factors into consideration. A variety of resources look at how fears, risk perceptions, and responses are not always logical. For example, *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them*, by John Mueller, claims that there is an “overreaction” to terrorism and suggests methods for reducing fear among Americans as a possible response to the perceived terrorist threat.<sup>48</sup> *The Science of Fear: How the Culture of Fear Manipulates Your Brain*, by Daniel Gardner, touts fear as an outstanding “marketing tool” and claims

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<sup>45</sup> Jeffrey D. Simon, *Lone Wolf Terrorism: Understanding the Growing Threat* (New York: Prometheus Books, 2013).

<sup>46</sup> Jeff Gruenwald, Steven Chermak, and Joshua D. Freilich, “Distinguishing ‘Loner’ Attacks from Other Domestic Extremist Violence: A Comparison of Far-Right Homicide Incident and Offender Characteristics” in *Criminology & Public Policy* 12 no. 1 (2013): 65–91.

<sup>47</sup> J. Pete Blair, and Katherine W. Schweit, *A Study of Active Shooter Incidents in the United States between 2000 and 2013* (Washington, DC: Texas State University, and Federal Bureau of Investigation, U.S. Department of Justice, 2014).

<sup>48</sup> John Mueller, *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them* (New York: Free Press, 2006).

that government officials' narrative and media reporting significantly influence the public's perception of the actual terrorism threat.<sup>49</sup>

## **B. DOMESTIC INTELLIGENCE AGENCIES AND THEIR FOCUS ON DOMESTIC TERRORISM**

After the 9/11 terrorist attacks, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) was formed and prepared a comprehensive report that included several recommendations for improving and reorganizing the Intelligence Community (IC) due to its failure to “connect the dots” with regard to the foreign terrorist threat. Once again, the United States may be experiencing a failure to “connect the dots” or identify the magnitude of the threat of domestic terrorism, especially with regard to the small cells or lone wolf.

Since 9/11, literature on the issues of intelligence reliability and reform has been prevalent. Based on several recommendations made by the 9/11 Commission for improving and restructuring the American IC, there has been an emphasis in the literature on analyzing intelligence collection and developing an effective information-sharing environment within the diverse and vast world that is the IC. However, the focus of the literature is primarily related to foreign terrorist threats from abroad and domestic terrorist threats from Islamic extremist, yet non-Islamic domestic terrorist groups are not at the forefront. *Intelligence: From Secrets to Policy*, by Mark Lowenthal, is a comprehensive view of the American intelligence system, its requirements, failings, and challenges. The book paints a very clear picture of the enormity and range of the U.S. IC, a point that validates the ongoing issues concerning communication and information-sharing in the domestic intelligence community.<sup>50</sup> These issues are further documented in *Transforming U.S. Intelligence*<sup>51</sup> and *Spying Blind: The CIA, the FBI, and the Origins of 9/11*.<sup>52</sup> In the domestic intelligence arena, leadership and coordination are lacking among

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<sup>49</sup> Daniel Gardner, *The Science of Fear: How the Culture of Fear Manipulates Your Brain* (New York: Penguin Group Inc., 2008).

<sup>50</sup> Mark Lowenthal, *Intelligence: From Secrets to Policy* (Washington, DC: CQ Press, 2009).

<sup>51</sup> Jennifer E. Sims, and Burton Gerber, Eds., *Transforming U.S. Intelligence* (Washington, DC: Georgetown University Press, 2005).

<sup>52</sup> Zegart, *Spying Blind*.

the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS), state fusion centers, and local law enforcement. Contrary to the national IC, which is overseen by the Director of National Intelligence (DNI), these domestic intelligence and law enforcement agencies are not all federal agencies and there is not a role similar to that of the DNI in this venue. Jerome Bjelopera, of Congressional Research Service (CRS), conducted a comprehensive overview of the FBI's efforts, since 9/11, to reform and improve its terrorism intelligence and investigation capabilities in the report, *The Federal Bureau of Investigation and Terrorism Investigations*.<sup>53</sup> Intelligence capabilities are reviewed and criticized in CRS's 2011 report entitled *Intelligence Issues for Congress*.<sup>54</sup>

Domestic intelligence issues and challenges have been highlighted over the past decade by the RAND Corporation. In a series of monographs, RAND's notable reports are 2008's *Reorganizing U.S. Domestic Intelligence: Assessing the Options*<sup>55</sup> and 2005's *State and Local Intelligence in the War on Terrorism*,<sup>56</sup> which review the roles and responsibilities of domestic intelligence and law enforcement agencies in the fight against domestic terrorism.

Books on intelligence are plentiful, but only a fraction of their content focuses on domestic terrorism in the U.S. Greta Marlatt, of the Naval Postgraduate School library, compiled *Intelligence and Policy-Making: A Bibliography*, a 131-page bibliography containing over 500 resources on intelligence but only a handful of the sources listed focus on domestic intelligence or domestic intelligence reform.<sup>57</sup> The Chair of Ohio State University's National Security Studies, John Mueller, published a compilation of case

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<sup>53</sup> Jerome Bjelopera, *The Federal Bureau of Investigation and Terrorism Investigations* (Washington, DC: Congressional Research Service, 2014).

<sup>54</sup> Richard A. Best, Jr., *Intelligence Issues for Congress* (Washington, DC: Congressional Research Service, 2011).

<sup>55</sup> Gregory F. Treverton, *Reorganizing U.S. Domestic Intelligence: Assessing the Options* (Santa Monica: RAND Corporation, 2008).

<sup>56</sup> K. Jack Riley, Gregory F. Treverton, Jeremy M. Wilson, and Lois M. Davis, *State and Local Intelligence in the War on Terrorism* (Santa Monica: RAND Corporation, 2005).

<sup>57</sup> Greta Marlatt, *Intelligence and Policy-Making: A Bibliography* (Monterey, CA: Naval Postgraduate School, 2011) <http://www.nps.edu/Library/Research%20Tools/Bibliographies/Intelligence/intellall2010.pdf>

studies, *Terrorism Since 9/11—The American Cases*, of the 33 Islamic extremist terrorism plots to commit violence in the U.S. from 9/11/2001 to 2011.<sup>58</sup> He and his students depended upon Internet and electronic sources to complete this project, as he states, “the scholarly literature has focused far more detailed attention on terrorism cases abroad than on ones within the United States.”<sup>59</sup>

The President of the United States released the *National Strategy for Counterterrorism* in 2011. This 19-page document almost exclusively focuses on al-Qaeda and declares this as one of the president’s top national security priorities. The document acknowledges that, since 9/11, “the preponderance of the United States’ CT effort has been aimed at preventing the recurrence of an attack on the Homeland directed by al-Qa’ida.”<sup>60</sup> However, the document does encourage the country to continue to improve and increase its counterterrorism capabilities, including information-sharing and intelligence analysis and integration.<sup>61</sup> Later that year, the White House released the follow-up document, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*, which outlined locally-focused, community-based actions to keep families, communities, and local organizations informed and engaged in the counterterrorism efforts.<sup>62</sup>

Although the strategies touted in the White House documents have not been fully implemented, there are other reports that have been published that provide more specific and feasible counter-radicalization actions. For example, Robert Deardorff’s 2010 Center for Homeland Defense and Security (CHDS) thesis, entitled “Countering Violent Extremism: The Challenge and The Opportunity,” supports strategies that offer a balance of hard-power and soft-power tactics to stop the influences of radical extremist groups and engage individuals and communities to work as co-partners in the counter-

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<sup>58</sup> John Mueller, *Terrorism Since 9/11: The American Cases* (Columbus, OH: Ohio State University, 2011).

<sup>59</sup> Ibid.

<sup>60</sup> The White House, *National Strategy for Counterterrorism* (Washington, DC: The White House, 2011), 11.

<sup>61</sup> Ibid., 12.

<sup>62</sup> The White House, *Strategic Implementation Plan*.

radicalization process.<sup>63</sup> The National Security Preparedness Group offered its own recommendations for *Preventing Violent Radicalization in America* in 2011, primarily through messaging, outreach and engagement at the local level; training of governmental entities in those areas to enhance engagement from the local community; and standardized counter-radicalization information-sharing.<sup>64</sup>

A current intelligence resource is the Nationwide Suspicious Activity Reports Initiative, which takes locally generated intelligence and is shares it with federal, state, and other local jurisdictions. These reports contain local law enforcement’s observations of suspicious behavior, 911 calls, and other tips from the general public. A 2011 CRS report, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress*, encourages domestic intelligence and law enforcement agencies to take full advantage of this potentially effective domestic intelligence initiative.<sup>65</sup>

According to the 2013 CRS report, *American Jihadist Terrorism: Combating a Complex Threat*, the threat of homegrown terrorism is growing, yet there is no coordinated effort to identify and address the factors influencing radicalization.<sup>66</sup> The report cites, “[i]ntegrating state, local, and tribal law enforcement into the national counterterrorism effort continues to be an abiding concern of policymakers.”<sup>67</sup> This is a stinging finding for domestic intelligence agencies; one that must be corrected and has been corroborated by other terrorism experts and studies. In their 2010 report on *Assessing the Terrorist Threat*, Peter Bergen and Bruce Hoffman found it “troubling” that “there remains no federal government agency or department specifically charged with

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<sup>63</sup> Robert B. Deardorff, “Countering Violent Extremism: The Challenge and the Opportunity” (master’s thesis, Monterey: Naval Postgraduate School, 2010).

<sup>64</sup> Peter Neumann, *Preventing Violent Radicalization in America* (Washington, DC: Bipartisan Policy Center, 2011).

<sup>65</sup> Mark A. Randol, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress* (Washington, DC: Congressional Research Service, 2011).

<sup>66</sup> Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*.

<sup>67</sup> *Ibid.*, 46.

identifying radicalization and interdicting the recruitment of U.S. citizens or residents for terrorism.”<sup>68</sup>

The various terrorism-related strategies and reports, developed by federal government agencies, primarily focus on threats to the homeland from al-Qaeda, and, in fact, identify that as the priority for counterterrorism efforts. The *National Security Strategy*, posted in May 2010, seeks to improve security, prosperity, values, and international order for Americans.<sup>69</sup> With regard to the terrorist threat, al-Qaeda is once again named as the main target in the nation’s attempts to prevent attacks on and in the homeland. However, the strategy does address homegrown radicalization, in general, and encourages community empowerment in the fight against radicalization because the “best defenses” against these threats “are well informed and equipped families, local communities, and institutions.”<sup>70</sup> As such, better intelligence and expanded community engagement and empowerment are needed to realize success against this and other potentially growing threats.<sup>71</sup>

Intelligence concerns were exposed by the Public Broadcasting Service’s (PBS) January 18, 2011 episode of *Frontline*, entitled “Are We Safer?,” which discussed the many counterterrorism improvements and technological advances in intelligence that have been made since 9/11.<sup>72</sup> The report implies that the advances are intrusive to Americans and encourages the government and the public to weigh the advantages and/or disadvantages of these changes in making the country safer. This is a key concept for consideration and is often raised by advocacy groups and terrorism experts alike regarding the impact of homeland security efforts on privacy and civil liberties.

Congress regularly holds hearings on the threat of terrorism and the status of available intelligence on these threats. Reports and testimony often focus on the Islamic extremist threat and local intelligence resources.

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<sup>68</sup> Bergen, and Hoffman, *Assessing the Terrorist Threat*, 29.

<sup>69</sup> The White House, *National Security Strategy* (Washington, DC: The White House, 2010).

<sup>70</sup> *Ibid.*, 19.

<sup>71</sup> *Ibid.*

<sup>72</sup> Public Broadcasting Service, “Are We Safer?,” *Frontline*, January 18, 2011.

Terrorism experts, such as Bruce Hoffman, Robert Bergen, and Stephen Flynn, presented testimony in September 2010 before the U.S. House of Representatives, Homeland Security Committee regarding *The Evolving Nature of the Terrorism Threat: Nine Years after the 9/11 Attacks*. During his testimony, Flynn stated, “[w]hen terrorists are homegrown, it is the streets of Bridgeport, Denver, Minneapolis, and other big and small communities across America that become the frontlines. That translates into local cops on the beat and increasingly the American public at large who must be better informed and empowered to deal with the terrorism threat.”<sup>73</sup>

The March 2011 Congressional hearing on the radicalization of American Muslims, *The Extent of Radicalization in the American Muslim Community and that Community’s Response*, was the first in a series of controversial hearings on radicalization.<sup>74</sup> These hearings certainly bring the issue of homegrown radicalization to the forefront, but produce negative publicity for the important topic of domestic terrorism by appearing to promote racial profiling and bias. The series of hearings focused on Islamic extremism only. Then-Chairman of the House Homeland Security Committee, Representative Peter King contended that the Committee and DHS were established to address the threat from al-Qaeda. He adamantly states, “[A]l-Qaeda is actively targeting the American Muslim Community for recruitment,” and, therefore, the hearings continued to focus on this international threat.<sup>75</sup>

The September 2012 hearing before the Senate Judiciary Subcommittee on The Constitution, Civil Rights and Human Rights, focusing on *Hate Crimes and the Threat of Domestic Extremism*, provided testimony from FBI and DHS officials concerning the domestic terrorism threat and the importance of sharing information with state and local partners, particularly fusion centers. Their testimony also emphasized the importance of engaging the public in recognizing behaviors and indicators of terrorism. As always,

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<sup>73</sup> *Assessing the Terrorism Threat: The Implications for Homeland Security*, testimony before the U.S. Committee on Homeland Security, 110<sup>th</sup> Cong., 3 (2010) (testimony of Stephen Flynn).

<sup>74</sup> *Hearing on the Extent of Radicalization in the American Muslim Community and that Community’s Response*, U.S. House of Representatives, Committee on Homeland Security, 111<sup>th</sup> Cong. (2011), <http://homeland.house.gov/hearing/hearing-%E2%80%9Cextent-radicalization-american-muslim-community-and-communitys-response%E2%80%9D>

<sup>75</sup> *Ibid.* (testimony of Peter King).

these agencies strive to maintain civil rights and civil liberties, while protecting the American public.<sup>76</sup>

A major challenge for local law enforcement agencies, concerning the implementation of initiatives to investigate and prevent domestic terrorism, is the protection of privacy and civil liberties for U.S. citizens. A possible solution may be achieved with an engaged public that is aware of and involved in the process. An open and integrated process that includes the public and community-based prevention tactics should prove very successful, although difficult to define and implement given the potential costs and privacy concerns. The public plays a crucial role in the process, though, as evidenced by the Institute for Homeland Security Solutions' (IHSS) study finding that approximately 40 percent of 68 foiled potential terrorist attacks were stopped due to information provided by the public.<sup>77</sup>

Some theorists argue that the domestic terrorist threat, from both Islamic and non-Islamic extremist groups, may not be a significant issue, and that it is only the public's fear of a perceived, albeit exaggerated, risk that underscores the issue. This may be due to how the problem is framed by the media, who often sensationalize the narrative. Also, politicians may promote fear in order to win elections and inspire confidence in their abilities by claiming that they will fix the problem once elected. In his book, *The Science of Fear*, Daniel Gardner wryly states that politicians talk about terrorism "as if it were the Fifth Horseman of the Apocalypse."<sup>78</sup> The risk is real, though, and terrorism experts, such as Flynn, Bergen, and Hoffman, agree that radicalization and recruitment in the U.S. are on the rise, and that attacks are becoming more difficult to prevent due to the diversification and evolution of the threat.

As demonstrated in this literature review, the majority of studies, reports, and stories on domestic terrorism over the past few years have focused on homegrown

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<sup>76</sup> "Durbin Chairs Hearing on Hate Crimes and the Threat of Domestic Extremism," September 19, 2012, Dick Durbin, <http://www.durbin.senate.gov/public/index.cfm/pressreleases?ID=bc11acc3-dbf6-413d-9e65-360e6fc68b0f>

<sup>77</sup> Strom et al., *Building on Clues*.

<sup>78</sup> Gardner, *The Science of Fear*, 2.

jihadists, although the threat posed by non-Islamic terrorist groups may be sparking more interest lately given their increased violent behavior. Common recommendations put forth in the literature relate to the importance of local law enforcement in the intelligence collection process, continued vigilance and involvement by the public, the increasing violence of anti-government groups in the U.S., and the dangerousness of lone wolves; all of which can be addressed in a national counterterrorism doctrine.

The next chapter will focus on how the domestic terrorist threat has evolved, from the 1980s and 1990s with the proliferation of militias and left- and right-wing extremist groups, through the current period of threats from foreign fighters and homegrown violent extremists, inspired by the likes of al-Qaeda and the Islamic State of Iran and Syria (ISIS). The chapter also outlines the most prominent groups and tactics that are contributing to the increasing violence and presence of terrorist groups. On the contrary, there are other factors, such as the protection of civil liberties and media influence that contribute to the argument that domestic terrorism is overblown and does not require the current level of attention and resources.

### **III. SYSTEMATIC REVIEW OF THE EMERGING THREAT OF DOMESTIC TERRORISM**

Upon review of several studies and reports concerning domestic terrorism, there is clearly a long history of domestic terrorism in the United States. Over that time, the types of domestic terrorism crimes and the emerging terrorist groups have changed, and offenders are becoming more violent. At times, it is difficult to define and identify domestic terrorism and the various types of domestic terrorists because of similar motivations and actions with other general crimes and criminals, such as hate crimes and active shooters.

#### **A. DEFINING DOMESTIC TERRORISM**

In 2009, the Transactional Records Access Clearinghouse (TRAC), Syracuse University, analyzed thousands of federal court and Department of Justice (DOJ) records concerning terrorism-related cases. Upon review, TRAC found that federal agencies differed in identifying who is a terrorist or what activities constitute terrorism activities, as evidenced by the lack of overlap among individuals targeted by federal agencies for investigation and prosecution under the federal terrorism laws. TRAC concluded that terrorism experts, legal groups, and DOJ officials are concerned that the “lack of a clear understanding of what constitutes terrorism has resulted in numerous civil liberties violations” and has potentially weakened law enforcement officials’ ability to use current criminal law as a tool to combat terrorism.<sup>79</sup>

As difficult as it is to find an agreed upon definition of “terrorism,” an ultimate definition for “domestic” terrorism is also hard to come by. Per its website, the Federal Bureau of Investigation (FBI) relies on the U.S. Code for formal definitions on terrorism, in its role to detect and prevent terrorist attacks. According to 18 U.S.C. § 2331,

“[d]omestic terrorism” means activities with the following three characteristics:

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<sup>79</sup> “Who Is a Terrorist? Government Failure to Define Terrorism Undermines Enforcement, Puts Civil Liberties at Risk,” Transactional Records Access Clearinghouse, September 28, 2009, accessed October 6, 2011, <http://trac.syr.edu/tracreports/terrorism/215/>

- Involve acts dangerous to human life that violate federal or state law;
- Appear 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; and
- Occur primarily within the territorial jurisdiction of the U.S.<sup>80</sup>

Also on its website, the FBI uses a simpler, narrower definition in a 2009 story regarding *Domestic Terrorism in the Post 9/11 Era*: “Americans attacking Americans based on U.S.-based extremist ideologies.”<sup>81</sup> The FBI identifies four categories of domestic terrorists: left-wing extremists, who promote revolutionary movements and the protection of people from capitalism and imperialism in the U.S.; right-wing extremists, who tout racial supremacy and anti-government beliefs; single issue groups, who target their attacks against individuals or institutions associated with political issues, such as abortion, testing on animals, and environmental protection; and homegrown Islamic extremists, or U.S. citizens who have become Islamic radicals.<sup>82</sup>

The DOJ’s U.S. Attorneys Offices also use the U.S. Code definition for domestic terrorism to fulfill its role in not only the disruption and prevention of terrorist activities, but primarily the prosecution of accused terrorists. On its website, DOJ paraphrases the U.S. Code:

Domestic terrorism includes acts within the territorial U.S. that are dangerous to human life, violate federal or state criminal laws, have no actual connection to international terrorists, and appear to be intended to intimidate or coerce a civilian population, influence domestic government policy through intimidation or coercion, or affect the conduct of our government by mass destruction, assassination or kidnapping.<sup>83</sup>

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<sup>80</sup> “Definitions of Terrorism in the U.S. Code,” Federal Bureau of Investigation, accessed August 31, 2014, <http://www.fbi.gov/about-us/investigate/terrorism/terrorism-definition>

<sup>81</sup> “Domestic Terrorism in the Post 9/11 Era,” Federal Bureau of Investigation, September 7, 2009, accessed August 31, 2014, [http://www.fbi.gov/news/stories/2009/september/domterror\\_090709](http://www.fbi.gov/news/stories/2009/september/domterror_090709)

<sup>82</sup> Jonathan Masters, “Militant Extremists in the United States,” Council on Foreign Relations, February 7, 2011, accessed October 6, 2011, <http://www.cfr.org/terrorist-organizations-and-networks/militant-extremists-united-states/p9236>

<sup>83</sup> “Domestic Terrorism,” U.S. Department of Justice, accessed August 31, 2014, [http://www.justice.gov/usao/briefing\\_room/ns/domestic\\_terrorism.html](http://www.justice.gov/usao/briefing_room/ns/domestic_terrorism.html)

Note the DOJ definition mentions that there is “no actual connection to international terrorists.”<sup>84</sup> However, for many of the documented terrorist actions over the past decade, the perpetrator(s) had some influence by international terrorist groups. In the *CRS Insights* series, Jerome Bjelopera defines these offenders as “homegrown violent extremists,” who operate in the U.S. and are inspired by foreign terrorist organizations.<sup>85</sup> The concept of acquiring extremist ideologies and actions is often referred to as violent radicalization, which is defined as “the process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence as a method to effect societal change.”<sup>86</sup> Another threat is from “foreign fighters,” defined as American citizens, legal permanent residents, or aliens who radicalized in the U.S. and plotted to or traveled abroad to join a foreign terrorist group.<sup>87</sup> Additional categories of foreign fighters include U.S. citizens who return to America after having trained and/or engaged in combat overseas. Other Westerners, including Australians, are also included in this category. In addition, European citizens are also fighting overseas and pose a terrorist threat to the U.S., as they are not required to have a visa when entering the U.S. and may not be on U.S. or European watch lists.

The term “domestic terror” is often interchanged with “hate crime,” raising questions about how these crimes are classified, and if domestic terrorism or hate crimes are over- or under-reported due to this blurring of definitions. According to a 2007 National Institute of Justice (NIJ) report, *Hate Crime in America: The Debate Continues*, hate crime laws vary from state to state, and “there is no standard legal definition of hate crime.”<sup>88</sup> Hate crime statutes usually include designation of protected groups (e.g., race, gender, sexual orientation, etc.), a range of predicate or underlying crimes (e.g., assault)

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<sup>84</sup> Ibid.

<sup>85</sup> Jerome Bjelopera, *Domestic Terrorism Appears to Be Reemerging as a Priority at the Department of Justice*, CRS Insights (Washington, DC: Congressional Research Service, 2014), accessed October 15, 2014, <http://fas.org/sgp/crs/terror/IN10137.pdf>, 2.

<sup>86</sup> Neumann, *Preventing Violent Radicalization in America*.

<sup>87</sup> Bjelopera, “American Foreign Fighters and the Islamic State.”

<sup>88</sup> Michael Shively, and Carrie Mulford, “Hate Crime in America: The Debate Continues,” *NIJ Journal* [online], no. 257 (June 2007). accessed September 1, 2014, <http://www.nij.gov/journals/257/Pages/hate-crime.aspx#states>

and a requirement that hate or bias motivated the offense.<sup>89</sup> Contrary to the definition of domestic terrorism, which identifies all civilians as potential victims, hate crime statutes often identify certain protected classes as being victimized by hate. Otherwise, the statutes and definitions are quite similar, which may influence how crimes are prosecuted, whether as hate crimes or domestic terrorism incidents.

Another set of definitions that makes it unclear if the crime perpetrated is considered terrorism or general criminal behavior concerns the emerging threat of the “lone wolf” terrorist versus a disturbed or disgruntled individual who perpetrates a violent act. Most definitions of terrorism indicate that a group, with a political, social or religious objective, is responsible for the violence, and, therefore, a lone wolf terrorist’s actions are not always considered in the terrorism discussion. It was not until 1999 that the FBI’s definition of domestic terrorism described potential terrorist actors as being “a group or individual,” as opposed to a group or two or more individuals.<sup>90</sup> According to Jeffrey Simon, an international consultant on terrorism, lone wolf terrorism should be defined the same as general terrorism, “but to qualify as a lone wolf, an individual would have to be working alone or have just minimal assistance from one or two other people.”<sup>91</sup>

The lone wolf terrorist may also be identified as an “active shooter” as these incidents are usually perpetrated by a lone offender. U.S. government agencies define active shooter as “an individual actively engaged in killing or attempting to kill people in a confined and populated area” by use of firearm(s).<sup>92</sup> The FBI conducted a study of “active shooter” incidents in 2014, covering the period from 2000 through 2013. It looked at 160 cases; all but two of the incidents involved single shooters.<sup>93</sup>

Adding to the issue of the vague definitions of domestic terrorism, hate crimes, and lone wolf terrorism, is the lack of an official listing of domestic terrorist and/or hate

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<sup>89</sup> Ibid.

<sup>90</sup> Simon, *Lone Wolf Terrorism*, 261.

<sup>91</sup> Ibid., 266.

<sup>92</sup> Blair, and Schweit, *A Study of Active Shooter Incidents in the United States between 2000 and 2013*.

<sup>93</sup> Ibid.

groups. Neither the FBI nor DOJ lists known domestic terrorist groups by name on their site, but they do list the common types of domestic terrorist groups, such as animal rights extremists, eco-terrorists, anarchists, anti-government extremists and unauthorized militias, and white supremacists. However, the Southern Poverty Law Center (SPLC) identified and posted the names of 1,096 anti-government “Patriot” groups that were active in 2013,<sup>94</sup> as well as a “Hate Map” of the 939 active hate groups in the U.S.<sup>95</sup> The SPLC does not claim, though, that these lists are exhaustive.

## **B. EVOLUTION OF DOMESTIC TERRORISM**

Domestic terrorism incidents have been evoking fear and intimidation in Americans since the 1800s, when the far right Ku Klux Klan touted white and Christian supremacy through beatings, murder, and property destruction. Similar to today, domestic terrorist groups in the 1980s and 1990s included right- and left-wing extremist groups, and special interest groups, whose messages most often supported themes of anti-government, white supremacy, anti-abortion, and animal rights. These messages were carried out via violent and criminal activities. Most troubling and rising were the right-wing militias and patriot groups, or people with the belief that federal involvement had become too commonplace and citizens needed to take potentially violent actions to preserve their freedoms.<sup>96</sup>

Adding to this legacy of terror are the actions perpetrated by the “lone wolf” or homegrown violent extremists, new terms that have entered the domestic terrorism discussion in recent years. Some of the most notorious domestic terrorist groups and events are outlined below.

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<sup>94</sup> “Active Patriot Groups in the United States in 2013,” *Intelligence Report*, no. 153 (Spring 2014), Southern Poverty Law Center, accessed August 31, 2014, <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2014/spring/Active-Patriot-Groups-in-the-United-States>

<sup>95</sup> “Hate Map,” Southern Poverty Law Center, accessed August 31, 2014, <http://www.splcenter.org/get-informed/hate-map>

<sup>96</sup> “Domestic Terrorism in the Post 9/11 Era.”

## 1. Declining Terrorist Attacks/Increasing Casualties—1980s–1990s

As is true today, there was no standard or agreed upon definition of terrorism in the 1980s and 1990s. The Federal Bureau of Investigation (FBI) was the lead federal agency for assessing a terrorist threat and investigating and responding to acts of terrorism. From the period 1982 to 1992, the FBI reported that a total of 165 terrorist incidents occurred domestically, primarily by domestic terrorist groups, such as Puerto Rican groups, left-wing extremists, and special interest groups.<sup>97</sup>

Ecological terrorists and animal rights groups, such as the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), became more recognized in the 1990s and were named the number one domestic terrorist threat by the FBI in 2004. Since 1979, it has been responsible for perpetrating over two thousand crimes and causing more than \$110 million in property damages and losses.<sup>98</sup> ELF and ALF commonly engage in illegal activities that cause the greatest economic loss for a company, such as arson, fire bombings, vandalism, and stalking.

In the 1990s, the number of domestic terrorism incidents were declining, but becoming more violent and deadly. Significant incidents of domestic terrorism in America, pre-9/11, were the 1993 bombings of the World Trade Center in New York City (six killed; nearly 1,000 injured); the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the worst act of domestic terrorism in the United States at the time (168 killed, including 19 children; several hundred injured); and the Centennial Olympic Park bombing at the 1996 Summer Olympic Games in Atlanta (one killed; over 100 injured). The World Trade Center bombing was tied to an international terrorist group, while the other two incidents were committed by right- and left-wing inspired individuals. Timothy McVeigh, the perpetrator of the 1995 Oklahoma City bombing, held extremist ideologies and had previous ties with a right-wing militia group. Eric Robert Rudolph, a serial bomber, convicted of the Olympic Park bombing as well as three

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<sup>97</sup> Ibid., 5.

<sup>98</sup> Masters, “Militant Extremists in the United States.”

additional anti-gay and anti-abortion-themed bombings in the southern U.S., was tied to the Christian Identity/white supremacy movement.

The militia movement began in the 1980s with the development of paramilitary groups, primarily consisting of white supremacists and survivalists, followed by the formation of the anti-government group known as Posse Comitatus. The combination of paramilitary activities and anti-government philosophy, as well as a string of controversial events in the early 1990s, initiated and reinforced the militia movement. At that time, militia leaders were incited by the election of Bill Clinton, the Rodney King riots, and passage of the North American Free Trade Agreement. Concerns about preserving their right to bear arms, though, were heightened after the deadly confrontations over illegal firearms at Ruby Ridge, Idaho, in 1992 and the Branch Davidian compound in Waco, Texas, in 1993.<sup>99</sup> These events promoted conspiracy theories among right-wing groups, who believed that the government intentionally murdered people and confiscated guns from citizens, in addition to other conspiracies.

Although militias and other “Patriot” movement organizations began to die down in the 2000s, anger at the government and fear of conspiracies and confiscation of guns continue to be the drivers of the growing militia groups of today. Today, this anger is also directed at the more involved local law enforcement, whereas, in prior decades, it was the federal government that was primarily engaged in domestic terrorism prevention and investigations and, therefore, seen as the enemy of these radical groups. In addition, increased information-sharing among law enforcement and intelligence agencies makes the preservation of privacy and civil liberties an emerging fight, particularly among these groups.

## **2. The Rise of International Terrorism—1990s**

The threat from international terrorism was nonexistent on U.S. soil, until foreign terrorists bombed the World Trade Center in New York City on February 26, 1993. As a result, the FBI divided the international terrorist threat to the U.S. into three categories:

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<sup>99</sup> “Extremism in America: The Militia Movement,” 2005, Anti-Defamation League, accessed October 22, 2014, [http://archive.adl.org/learn/ext\\_us/militia\\_m.html?xpicked=4](http://archive.adl.org/learn/ext_us/militia_m.html?xpicked=4)

- a) Foreign (state) sponsors of international terrorism, including Iran, Iraq, Syria, Sudan, Libya, Cuba, and North Korea; activities included funding, organizing, networking and providing other support to formal terrorist groups and loosely affiliated extremists.
- b) Formalized terrorist groups, including Lebanese Hizballah, Egyptian Al-Gama'a, Al-Islamiyya, and Palestinian HAMAS; groups with their own infrastructures, personnel, finances, and training facilities able to plan and implement attacks overseas and within the U.S.
- c) Loosely affiliated international radical extremists (e.g., those who bombed the World Trade Center in 1993) did not represent a particular nation and were unknown to law enforcement, making them the most dangerous.<sup>100</sup>

At the time, it was unimaginable that the international terrorist threat would move into the forefront of today's discourse on domestic terrorism, and that, in 2002, there would be a need to establish a new federal cabinet agency devoted to the protection of the American people from terrorist threats: the Department of Homeland Security (DHS). International terrorist groups of today are more visible, wealthy, and have greater access to disenchanted or vulnerable individuals via social media and Internet sites. They have proven successful at influencing, recruiting, and training individuals from the West and using these individuals to plot and execute lone wolf attacks against the U.S. and its Western allies.

### **3. Other Domestic Terrorism Incidents and Responses in the 1990s**

In the decade prior to September 11, 2001, there was concern that in the event of a catastrophic incident, intense coordination among federal, state, and local emergency responders would be required, but that the existing capability was inadequate, especially among state and local responders. Failures in coordination and interoperability were demonstrated in the weak response to the Columbine High School shooting in Littleton, Colorado in 1999. Although this and other pre-9/11 domestic terrorist acts were shocking, they were also rare and could not justify the expense for providing additional training and tools for first responders to address terrorism. Based on the response to these events,

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<sup>100</sup> "Domestic Terrorism in the Post 9/11 Era."

however, it was clear that state and local responders needed to be able to respond immediately and fully and be informed.<sup>101</sup>

Pre-9/11, there was no standard or agreed upon definition of terrorism. The FBI was the lead federal agency charged with assessing terrorist threats, investigating and responding to acts of terrorism and, like the FBI of today, used the U.S. Code to define terrorism. In addition, the threat of domestic terrorism was not as significant then as it is today with the rise in violence among right-wing “patriot” groups, left-wing eco-terrorists and animal rights extremists, and the threat of homegrown violent extremism. Incessant media coverage and political rhetoric concerning the terrorist threat to the homeland have made the severity of the subject, exaggerated or not, abundantly clear to the general public. Today, the general public is urged to be vigilant and assist in reporting suspicious activities.

### **C. CURRENT SCOPE OF DOMESTIC TERRORISM**

As described above in the definitions for the various types of domestic terrorism and offenders, domestic terrorism attacks have been committed against Americans by the traditional types of domestic terrorists: the non-Islamic extremist Americans with no connection to international terrorist groups. Since 9/11, however, the United States has seen an increase in radicalization of violent extremists who have been influenced by international terrorist groups or are foreign fighters who have been trained and radicalized in foreign countries, only to return to the U.S. to potentially carry out terrorist activities. This is not to say that the traditional domestic terrorist groups, such as right- and left-wing extremist groups, are no longer a serious threat. On the contrary, several studies and reports continue to profile these groups, their growing numbers, and their increasing violence. Both types of domestic terrorism threats appear to be growing, but how serious are these threats? Are they serious enough to make changes in domestic intelligence policies, procedures, and organization, as well as the federal, state, and local law enforcement’s focus on domestic terrorism? The seriousness of the situation will be examined in this chapter and analyzed in later chapters.

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<sup>101</sup> *Domestic Terrorism: An Overview* (Washington, DC: National Criminal Justice Association).

## 1. Non-Islamic Terrorist Groups

Recent studies, investigative reports, and intelligence products show that non-Islamic domestic terrorist groups may pose a greater threat than the Islamic extremist groups. According to the New America Foundation website, updated October 2014, there were 433 homegrown extremists charged from 2001 through 2014, of which 181 were non-jihadist extremists and 38 of 64 victims were killed by non-jihadist extremists.<sup>102</sup>

An October 2010 Institute for Homeland Security Solutions report looked at domestic terrorist plots, over the past decade, by groups with all types of ideological philosophies. The report urges homeland security officials to

continue to investigate Al Qaeda and Allied Movements (AQAM), but do not overlook other groups, and pay particular attention to plots by “lone wolves.” Less than half of U.S. terror plots examined had links to AQAM, and many non-AQAM plots, primarily those with white supremacist or anti-government/militia ties, rivaled AQAM plots in important ways.<sup>103</sup>

Another example of the seriousness of the threat from non-Islamic extremist groups is found in a series of national assessments on terrorism developed by the Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A). A January 2009 I&A report states that left-wing extremism activities, particularly cybercrime, will increase over the next decade.<sup>104</sup> An April 2009 report on domestic right-wing extremism warns of increasing recruitment and radicalization.<sup>105</sup> This report further states that right-wing lone wolves and small terrorist cells “are the most dangerous domestic terrorism threat in the United States.”<sup>106</sup> In July 2014, I&A released an Intelligence Assessment concluding that *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement*, based on recent “violence committed by militia extremists and lone offenders who hold violent anti-government

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<sup>102</sup> New America’s International Security Program, “Homegrown Extremism 2001–2014.”

<sup>103</sup> Strom et al., *Building on Clues*, 1.

<sup>104</sup> DHS Office of Intelligence and Analysis, *Leftwing Extremists Likely*.

<sup>105</sup> DHS Office of Intelligence and Analysis. *Rightwing Extremism*.

<sup>106</sup> *Ibid.*

beliefs.”<sup>107</sup> This is also known as the Patriot Movement, a popular faction of right-wing extremists in the 1990s that is seeing a resurgence today.

*a. Militias*

A 2010 *Time* magazine cover story gave a detailed account of “The Secret World of Extreme Militias” and highlighted the rise in armed and violent anti-government extremist groups. This article, too, warns of the danger of lone wolves, an issue that a Federal Bureau of Investigation (FBI) counterterrorism expert states is its “biggest concern.”<sup>108</sup>

Militia groups, for the most part, believe they are legitimate, necessary, and established in accordance with the Constitution. Their claim is that they are “(a) equivalent to the statutory militia; (b) not, however, controlled by the government; and (c) in fact, designed to oppose the government should it become tyrannical.”<sup>109</sup>

Militias reached their peak in the mid-1990s, although this country has seen a growing number of militia groups and militia training camps over the past few years. It appears this uptick is a reaction to the faltering economy and the liberal presidential administration, which have inspired new conspiracy theories and rumors primarily on the Internet. Politicians and political news commentators have contributed to the militia/patriot movement frenzy with their own unlikely opinions and theories. For example, Texas governor Rick Perry has touted the 1990s militia idea of secession, and *Fox News*’ Glenn Beck has brought up 1990s anxieties about the existence of U.S. government-run concentration camps.<sup>110</sup> As a result of these theories, as well as anti-government videos and messages commonly found on the Internet, Patriots are

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<sup>107</sup> The National Assessment cites the April 2014 armed standoff in Bunkerville, Nevada (NV) between militia extremists and the NV Bureau of Land Management (BLM) concerning BLM officers’ attempt to enforce a court order to impound a rancher’s cattle located on federal land, as the rancher refused to pay grazing fees; and the June 2014 ambush/murder of two Las Vegas police officers by two violent anti-government extremists who were also present at the Bunkerville standoff. DHS Office of Intelligence and Analysis, *Domestic Violent Extremists*.

<sup>108</sup> Gellman, “The Secret World of Extreme Militias.”

<sup>109</sup> “Extremism in America: The Militia Movement.”

<sup>110</sup> Larry Keller, *The Second Wave* (Montgomery, AL: Southern Poverty Law Center, 2009). <http://www.splcenter.org/publications/splc-report-return-of-the-militias/the-second-wave>

stockpiling weapons and food, in preparation for impending “social chaos.” The Southern Poverty Law Center has documented 75 right-wing extremist domestic terrorist plots since the Oklahoma City bombing, through 2009, and noted that anti-government ideology, such as from militias/Sovereign Citizen groups, was the basis for the actual and planned attacks.<sup>111</sup>

***b. Sovereign Citizens***

According to the FBI, “Sovereign Citizen” groups are developing throughout the country, and they strongly believe that federal, state, and local governments have too much authority, for which they do not have to answer.<sup>112</sup> As a result, Sovereign Citizens often refuse to pay taxes or carry an official license or car registration, and they use counterfeit money at government agencies. Their actions are not always illegal, but they have been known to commit violent and deadly acts, especially against government officials.

The FBI reported that, from 2000 to 2011, Sovereign Citizen lone offenders were responsible for the deaths of six law enforcement officers.<sup>113</sup> The DHS I&A has tracked Sovereign Citizen activities since 2010, and it reports that their violent acts have averaged just over five offenses per year.<sup>114</sup> The SPLC also tracks the Sovereign Citizen movement as part of their profiles of extremist groups.

According to the SPLC website,

The strange subculture of the sovereign citizens movement, whose adherents hold truly bizarre, complex antigovernment beliefs, has been growing at a fast pace since the late 2000s. Sovereigns believe that they—not judges, juries, law enforcement or elected officials—get to decide which laws to obey and which to ignore, and they don’t think they should have to pay taxes. Sovereigns are clogging up the courts with indecipherable filings and when cornered, many of them lash out in rage,

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<sup>111</sup> Ibid.

<sup>112</sup> Ott, “Sovereign Citizens: A Growing Domestic Threat to Law Enforcement.”

<sup>113</sup> Ibid.

<sup>114</sup> DHS Office of Intelligence and Analysis, *Domestic Violent Extremists*.

frustration and, in the most extreme cases, acts of deadly violence, usually directed against government officials.<sup>115</sup>

The group does not have a centralized organization or leader; instead, there are many individual groups throughout the country with leaders who have their own Sovereign Citizen ideology. SPLC is unable to provide a total membership number because there is no central or organized group, but it estimates that there are upwards of 300,000 hard-core members and supporters. The SPLC estimates their membership numbers will grow given the current economic crisis.<sup>116</sup> The Anti-Defamation League reported in 2010 that although the movement is dominated by white members, they were seeing an increase in the development of African-American sovereign groups, calling it the “Moorish” movement.<sup>117</sup> Most commonly, the Sovereign Citizens resort to “paper terrorism” in which they inundate the court system with long, drawn out court filings or complaints, and file false documents to discredit government officials. However, they are capable of and have demonstrated acts of lethal violence.

A notable violent Sovereign Citizen event took place in 2010 when two Arkansas police officers were killed by Sovereign Citizen Jerry Kane during a traffic stop. Kane shot one officer 11 times and the other officer 14 times. Kane was with his 16-year old son, Joseph, and they were both killed in a shootout later that day, after injuring a sheriff and chief deputy.<sup>118</sup>

The most recent anti-government extremist/lone offender incident was committed in Pennsylvania, on September 12, 2014, by survivalist and marksman Eric Frein, who ambushed two state troopers, killing one. A nearly seven-week manhunt ensued and, once apprehended, Frein faced several charges, including two counts of terrorism for allegedly shooting the state troopers to influence the policy of government and affecting

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<sup>115</sup> “Sovereign Citizens Movement,” Southern Poverty Law Center, 2011, accessed December 13, 2011, <http://www.splcenter.org/get-informed/intelligence-files/ideology/sovereign-citizens-movement>

<sup>116</sup> Ibid.

<sup>117</sup> Anti-Defamation League, *The Lawless Ones: The Resurgence of the Sovereign Citizen Movement* (Washington, DC: Anti-Defamation League, 2010).

<sup>118</sup> Ibid., 2–3.

the conduct of government.<sup>119</sup> The incidents mentioned above are indicators of the growing violence of anti-government extremist groups and the increasing threat to law enforcement.

## **2. Violent Domestic Islamic Extremists**

Although domestic terrorists have been traditionally American extremists with anti-government ideologies who threaten and harm Americans, it is the threat from foreign fighters that has now entered into the domestic terrorism discussion. This includes the growing threat from terrorist groups that are overseas, yet are training and recruiting Americans to fight for their cause either overseas against fellow Americans or by returning home and continuing their terrorist activities.

The July 2014 testimony by Seth Jones before the House Homeland Security Committee, Subcommittee on Counterterrorism and Intelligence highlighted this growing trend. According to Jones, there are more violent extremist Westerners in Syria than in past jihadi battles, such as in Afghanistan and Iraq. Since 2011, Jones estimates that 100–200 Americans have traveled or attempted to travel to Syria to join dissident organizations, and that many of these individuals may return to the U.S. and engage in terrorist activities. It is difficult to identify these individuals, who usually are unknown to intelligence organizations and are, therefore, able to return to the U.S. undetected because they are not on European or American terrorism watch lists. An alarming statistic cited by Jones is that the number of Salafi-jihadist groups, including al-Qaeda, and the number of fighters comprising these groups, have steadily grown since 1988 with three groups in 1988 to 51 groups in 2013; the most significant increase taking place in the period since 2010, with 32 groups in 2010 and 51 groups in 2013. These increases were due to the Salafi-jihadist groups in North Africa and Levant (area including Syria, Jordan, Lebanon, Israel, Palestine, and southern Turkey), which grew by 55 percent. Safe havens for the groups' fighters are primarily in Libya in North Africa and in Syria in the Levant. There was a 167 percent increase in the number of terrorist attacks by al-Qaeda and its affiliates

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<sup>119</sup> Ray Sanchez, and David Shortell, "Suspected Pennsylvania Cop Killer Charged with Terrorism," *CNN*, November 14, 2014, <http://www.cnn.com/2014/11/13/justice/pennsylvania-eric-frein-charges/>

from 2010 to 2013, with the highest number (44 percent) perpetrated by the Islamic State in Iraq and Syria (ISIS) in 2013 and by al Shabaab (46 percent) in 2012.<sup>120</sup>

As mentioned above, the U.S. has not been very successful in identifying those individuals who are being trained in Syria, as they are unknown and often do not appear on watch lists. Therefore, they go undetected and unmonitored, as is the case of most lone wolf offenders. The 2014 *CRS Insights* briefing on American foreign fighters identifies these individuals by three categories: the Departed—an estimated 100 Americans who have traveled to Syria to fight with extremist factions; the Returned—American foreign fighters who have trained with extremist groups and returned to the U.S. to potentially carry out terrorist activities; and the Inspired—Americans who are inspired to carry out terrorist acts based on ISIS progoganda from social media sites and the Internet. Furthermore, the report cites that “over a half dozen” individuals have been arrested by the FBI for attempting to leave the U.S. to fight for the Islamic State in Syria.<sup>121</sup>

Throughout 2014, ISIS has emerged as a wealthy, powerful, and influential terrorist group that has taken to social media to recruit followers with the message to carry out lone wolf attacks on Western targets. It has proven itself to be ruthless and successful at spreading fear and intimidation with regular appearances on the Internet via video showing beheadings of hostages from the U.S. and its allies, as well as reports of ongoing massacres of Muslims and Sunni Tribesmen in Iraq. These terrifying images and accounts may be the cause of the recent spike in fear of a rise in Islamic extremism in the U.S., according to a Pew Research Center poll conducted in September 2014, when 53 percent of adults nationwide admitted they were “very concerned,” as opposed to only 36 percent being “very concerned” in July 2011.<sup>122</sup>

Since 2010, homegrown violent extremists have been primarily striking based on influences from Islamic extremist groups, but not out of direct association with an organized group. According to published reports, the Tsarnaev brothers, alleged

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<sup>120</sup> *Jihadist Sanctuaries in Syria and Iraq* (testimony of Seth G. Jones).

<sup>121</sup> Bjelopera, “American Foreign Fighters and the Islamic State.”

<sup>122</sup> “Terrorism,” accessed November 19, 2014, <http://www.pollingreport.com/terror.htm>

perpetrators of the 2013 Boston Marathon bombings, successfully detonated bombs made from pressure cookers by following bomb-making instructions from the English-language al'Qaeda magazine, *Inspire*.<sup>123</sup> It is believed that one brother, Tamerlan, was known to intelligence officials, but was not watched closely because he had not been connected with any criminal activity.<sup>124</sup> In this case, local law enforcement were unaware of risk assessments done on Tamerlan by the Boston Joint Terrorism Task Force (JTTF). It is unknown if this information would have somehow prevented the Boston Marathon bombings, but it is a lesson learned about the continuing issues with information sharing among federal, state, tribal, and local law enforcement agencies.

ISIS and other foreign extremists groups are adept at influencing susceptible individuals in the U.S. into joining their cause and/or perpetrating terrorist attacks as a show of support. The individuals and plots are found in the local communities and are difficult to identify. However, local law enforcement and the general public within those communities would be most likely to observe and report suspicious behavior that lead to foiled attacks. Local law enforcement from the communities where domestic terrorism plots are planned and implemented must receive threat intelligence in order to make informed decisions during routine criminal investigations and community policing. This “bottom up” approach should be embraced by the FBI, the lead domestic intelligence agency, which is once again falling short of sharing all information with local law enforcement and failing to “connect the dots.” Using state and local law enforcement to be on the front lines, as the eyes and ears of the domestic intelligence community, should be a key tenet of the U.S.’s counterterrorism doctrine.

### **3. Active Shooters and Lone Wolf Offenders**

As mentioned several times, the most successful and feared domestic terrorist is the lone wolf offender. One of the most common methods of attack by the lone wolf offender is with the use of firearms. As a result, lone wolf offenders are often referred to as active shooters. The 2014 FBI study on “active shooters” demonstrates that this type of

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<sup>123</sup> Bergen et al., *Jihadist Terrorism: A Threat Assessment*, 17.

<sup>124</sup> *Ibid.*

event, although not always terrorism-related, is increasing and can occur anywhere in the country. Of the 160 incidents that occurred between 2000 and 2013, “an average of 6.4 incidents occurred in the first 7 years studied, and an average of 16.4 occurred in the last 7 years.”<sup>125</sup> It is interesting to note that these shootings occurred in 40 of the 50 U.S. states as well as the District of Columbia. The study did not address the shooters’ motivations or ideology, so the relation to terrorism is not clear. However, some of the shooters’ characteristics are important to note. School shootings were primarily committed by students at the schools (17 of 20 shooters at middle and high schools); shootings that occurred in places of business were primarily carried out by current or former employees (22 of 23 shooters). Another significant factor in the shootings were the relationships of the shooters to one or more of the victims; in 30 of the 160 incidents, the shooter was targeting family members and/or a current, estranged, or former spouse or girlfriend. The active shooter incidents that took place in government properties (16 of 160 or 10 percent), may be attributed to terrorism, as one such incident was the Fort Hood, Texas (TX) shooting,<sup>126</sup> which had the third highest number of casualties of the 160 incidents studied (45 casualties: 13 killed, 32 wounded). Another possible terrorism connection could be made in shooting incidents at places of worship, which comprises six, or 3.8 percent, of the incidents reviewed.<sup>127</sup>

The IHSS conducted a 10-year study, titled *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009*, in which it reviewed 86 foiled and executed terrorist attacks on the U.S. from 1999 to 2009. This study warns that lone wolves planned or perpetrated more than 40 percent of terrorist acts during the 10-year period studied. Of all groups (unorganized small, organized small, large, individual) studied, lone wolves were the most successful in executing attacks with a nearly 30 percent execution rate in comparison to a 16 percent average execution for

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<sup>125</sup> Blair, and Schweit, *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*.

<sup>126</sup> On November 5, 2009, at 1:20 p.m., Nidal Malik Hasan, 39, armed with two handguns, began shooting inside the Fort Hood Soldier Readiness Processing Center in Fort Hood, TX.

<sup>127</sup> Blair, and Schweit, *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*.

small and large groups. This study also touted the importance of the role in the counterterrorism process for the more than 17,000 state and local law enforcement officials. They and the general public were responsible for providing observations and tips that contributed to foiling 80 percent of the terrorist plots that were not executed.<sup>128</sup>

Another important commonality is that active shooters and lone wolf offenders most often have a history of mental health issues, many of which have gone untreated. This was clearly the issue for the lone shooters in three of the four highest casualty incidents: Prior to killing 12 and wounding 58 in the July 2012 shooting at the Cinemark Century 16 Theater in Aurora, Colorado (CO), James Eagan Holmes has claimed he suffers from mental illness;<sup>129</sup> Seung Hui Cho, diagnosed with a severe anxiety disorder, killed 32 and wounded 17 in the 2007 Virginia Polytechnic Institute shooting in Blacksburg, Virginia (VA);<sup>130</sup> and Adam Lanza, who killed 27 and wounded two in the 2012 Sandy Hook Elementary School massacre in Newtown, Connecticut (CT), was diagnosed with autism spectrum disorder, anxiety, obsessive compulsive disorder, and Asperger syndrome—all for which he refused medication.<sup>131</sup> As with concerns about civil liberties, medical issues also require privacy protections and make it difficult to identify someone with violent tendencies. Privacy concerning mental illnesses must also be considered when collecting intelligence and developing counterterrorism policies.

#### **D. DRIVING FORCES**

In the consideration of the active domestic terrorist groups and incidents discussed above, it is important to know the overarching concerns of the federal, state, local, and tribal law enforcement officials responsible for addressing domestic terrorism. First, is the domestic terrorist threat truly becoming more widespread and/or violent?

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<sup>128</sup> Strom et al., *Building on Clues*.

<sup>129</sup> Jack Healy, “Mental Evaluations Endorse Insanity Plea in Colorado Shootings, Defense Says,” *New York Times*, May 13, 2013, [http://www.nytimes.com/2013/05/14/us/james-holmes-aurora-shooting-suspect-enters-insanity-plea.html?\\_r=0](http://www.nytimes.com/2013/05/14/us/james-holmes-aurora-shooting-suspect-enters-insanity-plea.html?_r=0)

<sup>130</sup> Emily Friedman, *Va. Tech Shooter Seung-Hui Cho’s Mental Health Records Released*, August 19, 2009, <http://abcnews.go.com/US/seung-hui-chos-mental-health-records-released/story?id=8278195>

<sup>131</sup> Hannah Schwarz and Marek Ramilo, *Sandy Hook Shooter Treated at Yale*, January 22, 2014, <http://yaledailynews.com/blog/2014/01/22/sand-hook-shooter-treated-at-yale/>

Also, which offenders have become the most dangerous or difficult to detect and prevent? The following indicators (driving forces), compiled from studies, reports, and subject matter experts' testimony over the past few years, demonstrate support of the claim that domestic terrorism in the United States is growing and should be a more prominent issue requiring attention from Congress; federal, state, local, and tribal law enforcement and government agencies; and the general public.

### **1. The Increasing Violence Perpetrated by Domestic Extremist Groups**

There are national strategies, congressional testimony, and studies that highlight the past and current threats from radicalized Islamic extremists, but what about the non-Islamic extremist groups in the U.S.? How are these groups evolving and why is there little emphasis on the potential threats posed by these groups? In fact, a major indication of the growing domestic terrorist threat is the overwhelming assertion that anti-government extremist groups are the “single greatest concern” faced by law enforcement. This is the public opinion of Minnesota Sheriff Rich Stanek, chair of the National Sheriffs' Association Homeland Security Committee, following a lengthy discussion on homeland security issues at the 2014 National Sheriffs' Association conference.<sup>132</sup> His claim is shared by other experts and law enforcement personnel alike and is supported by several studies and reports. Although a Southern Poverty Law Center report shows that the number of active hate groups in the U.S. declined in 2013, there has been an overall increase of hate groups by 56 percent since 2000.<sup>133</sup> The SPLC's spring 2014 edition of *Intelligence Report* warns that even though there has been a decline, there is still concern that the radical right in America is highly dangerous. According to SPLC Senior Fellow Mark Potok, “The weakening of groups often has the effect of fostering, rather than

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<sup>132</sup> Jason Sickles, “Online Rants, Anti-Government Radicals Fuel Fear of U.S. Cop Killings,” July 14, 2014, *Yahoo News*, accessed August 28, 2014, <http://news.yahoo.com/online-rants-rightwing-extremism-fuel-fears-for-us-cops->

<sup>133</sup> “Hate and Extremism,” Southern Poverty Law Center, 2014, accessed September 1, 2014, <http://www.splcenter.org/what-we-do/hate-and-extremism>

retarding, followers' decisions to finally act out violently.”<sup>134</sup> According to the report, more than 2,000 hate and patriot groups exist.<sup>135</sup>

## **2. Social Media Impact**

Terrorist groups around the world are reaching huge audiences by using social media sites, such as Twitter, Facebook, Instagram, YouTube, and Flickr, to spread propaganda, raise funds, and recruit individuals for training and perpetrating lone wolf attacks. According to terrorism specialist Jerome Bjelopera, the Internet effectively contributes to radicalization in three ways:

First, it allows jihadists to augment their messages with suggestive audio and video. Second, it makes it easier for would-be jihadists to find and interact with like-minded people around the world. Finally, the Internet “normal[izes] behaviors considered unacceptable or inappropriate in real-world environments.”<sup>136</sup>

## **3. Recent Threat Assessments Warn against Violent Domestic Extremist Groups**

The FBI's internal report, *2013 National Threat Assessment for Domestic Extremism*, profiled eight domestic extremist groups in the U.S. that currently and will continue to present a “moderate” threat and concluded that lone offenders and small cells continue to present the greatest threat in 2014.<sup>137</sup> Oddly, this report does not discuss the threat to the homeland from Islamist terrorist threats. The Department of Homeland Security Office of Intelligence and Analysis (DHS I&A) also focused on the non-Islamic extremist groups in its 2014 Intelligence Assessment, *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement*.<sup>138</sup> Per DHS, the primary threat is from militia extremists and lone offenders with anti-government ideologies. Publication of these reports indicate a renewed interest by the federal

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<sup>134</sup> Potok, *The Year in Hate and Extremism*.

<sup>135</sup> Ibid.

<sup>136</sup> Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*, 22.

<sup>137</sup> Bill Gertz, “FBI National Domestic Threat Assessment Omits Islamist Terrorism,” August 29, 2014, <http://freebeacon.com/national-security/fbi-national-domestic-threat-assessment-omits-islamist-terrorism/>

<sup>138</sup> DHS Office of Intelligence and Analysis, *Domestic Violent Extremists*.

government in the domestic terrorist threat, as very few intelligence assessments have been published over the past few years: DHS I&A published *Leftwing Extremists Likely to Increase Use of Cyber Attacks over the Coming Decade* and *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* in 2009, and the FBI published a limited distribution *National Terrorism Assessment on Domestic Terrorism* in 2012.

#### **4. Proliferation of Lone Wolves**

As mentioned above, lone wolves and small cell extremist groups pose the greatest domestic terrorist threat, according to a recent Federal Bureau of Investigation (FBI) report.<sup>139</sup> Lone wolves have proven to be the most successful in executing terrorist plots and active shootings incidents. The high-profile foreign terrorist group, Islamic State of Iraq and Syria (ISIS), has encouraged supporters from Western countries to carry out lone wolf attacks against the U.S. and its allies. This campaign has been successful with recent lone wolf attacks against government, law enforcement, and military officers in Canada and the U.S., with evidence that the offenders were influenced by the ISIS propaganda.

#### **E. RESTRAINING FORCES**

In contrast to the driving forces that support the seriousness of the current domestic terrorism threat, the following restraining forces denote that there is not enough evidence to indicate the current domestic terrorism threat is a growing issue.

##### **1. Decline in the Number of Domestic Extremist Groups**

As mentioned in the section above, the Southern Poverty Law Center reports that the number of hate groups in the United States declined in 2013. This reduction, claims the SPLC, is due to enhanced crackdown on radical right extremist groups by law enforcement, and the collapse or near-collapse of many groups due to various organizational or legal issues. “The number of hate groups last year dropped for the

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<sup>139</sup> Gertz, “FBI National Domestic Threat Assessment Omits Islamist Terrorism.”

second year in a row, down 7% from 1,007 in 2012 to 939, after reaching a 2011 high of 1,018,” according to the latest count by the SPLC.<sup>140</sup>

## **2. Media Influence on the Severity of Domestic Terrorism**

The media have been instrumental in bringing news of terrorism threats and incidents to the attention of the American public. According to polling figures, Americans’ concerns about terrorism increase around the time that there is a terrorist incident or the anniversary of a major terrorist incident, such as 9/11. Following the 1995 Oklahoma City bombing, media stories of right-wing extremist bomber Timothy McVeigh indicated that he once belonged to a militia group. Militias were then highlighted in the media with the implication that they were a threat, but there was no basis for this other than McVeigh’s alleged association with a militia.<sup>141</sup> Since 9/11, many non-Islamic extremist plots have been foiled, but have not received the attention as that of domestic Islamic extremist plots in the U.S.<sup>142</sup> The media only focus on the narrative at the time of the incident even though that may not be the greatest threat.

## **3. Civil Liberties and Privacy Protections**

Concerns about violation of civil liberties and privacy protections are at the forefront of the counterterrorism discussion. Although the Federal Bureau of Investigation (FBI), state fusion centers, and the Nationwide Suspicious Activity Reporting Initiative state up front that they are careful about protecting civil liberties, there is an ongoing debate with advocacy groups who oppose the need for the incessant and intrusive collection and sharing of information, or data mining, to counter the

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<sup>140</sup> Potok, *The Year in Hate and Extremism*.

<sup>141</sup> Gardner, *The Science of Fear*, 171.

<sup>142</sup> According to Gardner, there are many examples: on October 1, 2005, Joel Henry Hinrichs, III, a non-Muslim suicide bomber detonated himself outside a packed stadium at University of Oklahoma; treated as a minor local story and ignored. On April 2007 Alabama Free Militia, six white men, arrested in Collinsville, Alabama with a machine gun, a rifle, a sawed-off shotgun, two silencers, 2,500 rounds of ammunition, and various homemade explosives, including 130 hand grenades and 70 improvised explosive devices (IEDs). The group was planning to attack Hispanics living in a nearby town. Media ignored this story, but one week later, six Muslims were arrested for conspiring to attack Fort Dix, and this made international news even though they were not as armed as the Alabama Free Militia. Gardner, *The Science of Fear*, 171–173.

terrorist threat. In *The Science of Fear*, author Daniel Gardner wonders if the demonstration by the government in collecting huge amounts of intelligence, almost too great to process, is only to placate the fear instilled in the American public by the 9/11 attacks. Gardner appropriately states, “[y]ears of feverish intelligence work has uncovered astonishingly little.”<sup>143</sup> Since mental illness is a condition often found in lone wolves and active shooters, this is also a piece of information that may be used as a predictor of potential violent attacks or violent offenders. However, medical conditions are private and the federal Health Insurance Portability and Accountability Act of 1996 protects the confidentiality and security of healthcare information.

As outlined in this chapter, the domestic terrorist threat has changed over the years and is a dynamic and complex threat. It is not only domestic left- and right-wing extremist groups that are active today, but the threats and successful radicalization efforts by international terrorist groups that have contributed to the overall domestic terrorist threat. Radical extremists, especially lone wolf actors, are becoming more difficult to detect and their reach is widespread with the increased use of social media and the Internet.

The next chapter will focus on the structure and efforts of the domestic intelligence agencies, at all levels of government. These agencies have seen reforms and instituted improvements since 9/11, but there are still gaps in information-sharing and community engagement that must be addressed.

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<sup>143</sup> Ibid., 251.

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## **IV. SYSTEMATIC REVIEW OF THE ROLE AND IMPACT OF THE FBI, STATE FUSION CENTERS, AND LOCAL LAW ENFORCEMENT REGARDING DOMESTIC TERRORISM**

### **A. CURRENT STRUCTURE OF DOMESTIC INTELLIGENCE AND DOMESTIC TERRORISM FOCUS**

After the September 11, 2001, terrorist attacks, there were two respected and comprehensive reports that concluded that the Intelligence Community's (IC) lack of coordination and communication greatly contributed to the failure to detect and prevent the attacks.<sup>144</sup> The first, *The Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001*, stated that the "breakdown in communications was the result of a number of factors, including differences in agencies' missions, legal authorities and cultures."<sup>145</sup> The 9/11 Commission also found that the IC lacked information-sharing and coordination, and the overall areas in which the IC needed improvement included (1) imagination (2) policy (3) capabilities, and (4) management.<sup>146</sup>

In response to the 9/11 Commission's recommendations, the IC was reorganized with the passage of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, which established the Director of National Intelligence (DNI) as the senior intelligence official responsible for advising the president, the National Security Council, and Homeland Security Council.<sup>147</sup> "National intelligence" focuses on foreign threats, domestic threats, and homeland security.<sup>148</sup> The DNI took over the National Intelligence

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<sup>144</sup> Todd M. Masse, *The National Counterterrorism Center: Implementation Challenges and Issues for Congress* (Washington, DC: Congressional Research Service, 2005), CRS-3.

<sup>145</sup> Senate Select Committee on Intelligence; U.S. House Permanent Select Committee on Intelligence, *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001* (Washington, DC: U.S. Congress, 2002), p S. Rept. 107-351, H. Rept. 107-792, p.xvii.

<sup>146</sup> National Commission on Terrorist Attacks Upon the United States [9/11 Commission], *The Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: Norton, 2004), 355-356.

<sup>147</sup> President Barack Obama merged the Homeland Security Council into the National Security Council.

<sup>148</sup> Lowenthal, *Intelligence: From Secrets to Policy*, 29.

Council, responsible for preparing national intelligence estimates and the President's daily brief staff. The DNI does not have authority, however, over two key domestic intelligence agencies: the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS). The domestic intelligence system includes the FBI, the DHS Office of Intelligence and Analysis, and the intelligence units/programs within the Coast Guard, U.S. Treasury, and various cities and states. There is no one domestic intelligence lead agency, which raises concerns about the abilities of this multi-agency system to effectively communicate and share timely information.<sup>149</sup>

The FBI is this country's domestic intelligence agency and is responsible for protecting and defending the United States against terrorist threats. Since 9/11, the FBI has made major reforms in its intelligence capacity by focusing on "a threat-based, intelligence-led approach." Its main focus is to collect intelligence and develop a complete threat picture that allows it to strategically address the threats and encourage closer collaboration and information-sharing with other federal, state, local, tribal, and foreign law enforcement partners. The integration of intelligence and law enforcement capabilities helps to identify intelligence gaps and ensure that resources are targeting the highest priorities and greatest threats. In 2005, the FBI created the National Security Branch (NSB) to focus on counterterrorism, counterintelligence, intelligence, and weapons of mass destruction. It has also recruited high-performing intelligence analysts and offered professional development opportunities to analysts through improved training and leadership development programs. Recent FBI improvements include the reinstated Intelligence Branch and establishment of a Countering Violent Extremism Office.

The FBI's joint terrorism task forces (JTTFs) are on the front line in terrorism investigations by offering the skills and expertise of "investigators, analysts, linguists, SWAT experts, and other specialists from dozens of U.S. law enforcement and intelligence agencies."<sup>150</sup> According to the FBI's website, the JTTFs "do it all: chase

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<sup>149</sup> Arthur S. Hulnick, "Home Time: A New Paradigm for Domestic Intelligence," *International Journal of Intelligence and Counterintelligence* 22, no 4 (2009): 569–585.

<sup>150</sup> "Protecting America from Terrorist Attack: Our Joint Terrorism Task Forces," Federal Bureau of Investigation, accessed September 28, 2014, [http://www.fbi.gov/about-us/investigate/terrorism/terrorism\\_jtfts](http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jtfts)

down leads, gather evidence, make arrests, provide security for special events, conduct training, collect and share intelligence, and respond to threats and incidents at a moment's notice.”<sup>151</sup> There are now over 100 JTTFs that include FBI agents and task force officers from 32 federal and 671 state, local, and tribal law enforcement and intelligence agencies.<sup>152</sup> Their mission is to investigate terrorism matters and coordinate counterterrorism efforts, and they have successfully foiled attacks and broken up known terrorist cells. However, local law enforcement representation on the JTTFs is usually from major city or urban area police departments who can spare the personnel for this mission, leaving the majority (80 percent) of local law enforcement agencies without visibility of or input on terrorism investigations. An additional concern is that even if a police department is represented on the JTTF, it may be prohibited from receiving all types of information. For example, the Boston Police Department (BPD) is a major urban area police department with representation on the Boston JTTF. However, threat information obtained from the 2011 Boston JTTF assessment of Tamerlan Tsarnaev, who was accused of the Boston Marathon bombings in 2013, was not shared with the BPD. Per the memoranda of understanding (MOUs) between the FBI and federal, state, and local entities assigned to the JTTF, agency representatives may not share information with their parent agencies without permission from the FBI.<sup>153</sup>

Each of the 56 FBI field offices has established field intelligence groups (FIGs), a combination of intelligence and investigative capabilities. The FIGs are used to collect and analyze raw data to identify intelligence gaps. Through these the FBI disseminates the information to its partners in the intelligence community and law enforcement in the form of intelligence information reports (IIRs).<sup>154</sup> The purpose of the FIGs and IIRs is to enhance the FBI's counterterrorism mission by spreading resources from their central headquarters location to the FBI field offices, in the communities where the threats and intelligence collection are occurring. Again, not all local law enforcement agencies,

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<sup>151</sup> Ibid.

<sup>152</sup> There were 35 JTTFs in existence in 2001.

<sup>153</sup> Majority Staff of the Committee on Homeland Security, *The Road to Boston*.

<sup>154</sup> Bjelopera, *The Federal Bureau of Investigation and Terrorism Investigations*.

especially those in smaller communities, are engaged with the FIGs. This raises the concern that not all pertinent intelligence is being collected and shared, and, therefore, the big picture of the domestic terrorism threat is not realized.

DHS supports state-level intelligence agencies known as fusion centers, initially established to share terrorist-related information among state, local, tribal, and federal law enforcement. Their mission is to coordinate the gathering, analysis, and dissemination of law enforcement, homeland security, public safety, and terrorism intelligence and information. The National Network of Fusion Centers comprises state and major urban area centers, which provide the federal government with the state and local perspective on national threats. In 2008, the federal government established Baseline Capabilities for Major State and Local Fusion Centers to emphasize the standard by which all fusion centers should operate. Fusion center directors, in 2010, synthesized this information to institute what they believed were

The four Critical Operational Capabilities (COCs):

- Receive: Ability to receive classified and unclassified information from federal partners
- Analyze: Ability to assess local implications of that threat information through the use of a formal risk assessment process
- Disseminate: Ability to further disseminate that threat information to other state, local, tribal, territorial and private sector entities within their jurisdiction
- Gather: Ability to gather locally-generated information, aggregate it, analyze it, and share it with federal partners as appropriate.<sup>155</sup>

Fusion center personnel include federal, state, tribal, and local law enforcement agencies. Some fusion centers include representatives from the military, such as the National Guard, fire service, critical infrastructure operators, other private sector security personnel, emergency management, and public health personnel.<sup>156</sup>

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<sup>155</sup> Department of Homeland Security, *National Network of Fusion Centers Fact Sheet*, August 6, 2014, <http://www.dhs.gov/national-network-fusion-centers-fact-sheet>

<sup>156</sup> Ibid.

A current resource in the domestic intelligence enterprise, and critical to fusion centers, is the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI), which takes locally generated intelligence and is shared with federal, state, and other local jurisdictions. These reports contain local law enforcement's observations of suspicious behavior, 911 calls, and other tips from the general public.

The concept of operations for the NSI is provided in Figure 1. The cycle of information sharing is depicted in a five-step process: planning, gathering and processing, analysis and production, dissemination, and reevaluation. Basically, the suspicious activity is observed and then reported in the SAR. The report is vetted by local law enforcement and shared with the state/local fusion center for further vetting by a trained intelligence analyst. The approved SAR is entered into the information sharing environment for access by authorized intelligence agencies and users. The process allows local law enforcement and fusion centers to share information with key partners throughout the country to allow for analysis and identification of potential terrorist activities.

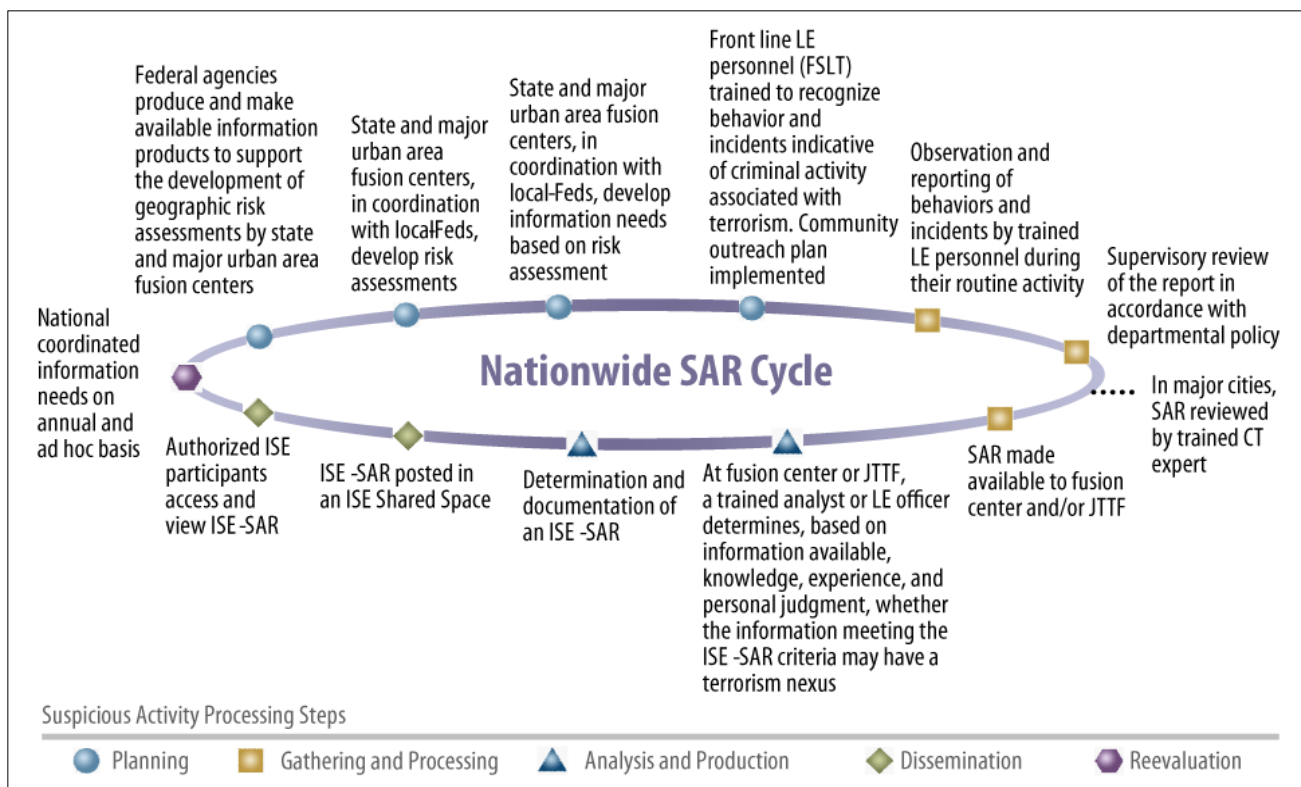


Figure 1. Nationwide SAR cycle<sup>157</sup>

Although intelligence gathering has improved since the IRTPA of 2004 prioritized the integration of intelligence, recent domestic terrorism plots and foiled attacks revealed that there are still gaps, especially with regard to coordination of information among the intelligence agencies. Currently, the IC can integrate foreign and domestic intelligence to reveal a comprehensive common operating picture. However, domestic intelligence agencies are challenged in achieving a proper balance between the two because there are different rules for what information can and cannot be collected, especially in the case of collecting domestic intelligence on U.S. citizens whose privacy and civil liberties must be protected.

According to a September 2010 report from the Bipartisan Policy Center’s National Security Preparedness Group, the U.S. is “stumbling blindly through the legal,

<sup>157</sup> Bureau of Justice Assistance, *Final Report: Information Sharing Environment (ISE)-Suspicious Activity Reporting (SAR) Evaluation Environment* (Washington, DC: Bureau of Justice Assistance, 2010), [http://nsi.ncirc.gov/documents/NSI\\_EE.pdf](http://nsi.ncirc.gov/documents/NSI_EE.pdf), 14.

operational, and organizational minefield of countering terrorist radicalization and recruitment occurring in the United States.”<sup>158</sup> This report and similar reports on the growing radicalization in the U.S. recommend that the best chances for responding to the “dynamic and diversified” domestic terrorism threat is to engage state and local law enforcement and public safety officials, as well as the general public.<sup>159</sup>

Although there have been many reforms made in the domestic intelligence community since 9/11, there are many criticisms of the current structure of the system and the “top-down” approach to collecting and sharing intelligence. The FBI, with its JTTFs and FIGs, is primarily responsible for identifying and investigating terrorist threats. However, its reach does not go far beyond its field offices and major cities and urban areas. The smaller, local communities are not engaged in the intelligence process even though this is the area where extremist individuals are influenced and planning terrorist plots. There is no national counterterrorism (CT) doctrine that ensures that personnel at all levels of government, especially local law enforcement, are trained to recognize and address terrorist activity. Also, a CT doctrine would ensure that local law enforcement are engaged in the process by collecting and sharing information from within their own jurisdictions. Evaluating and restructuring the fusion process so that it is efficient, effective, and protective of civil liberties is also needed and not currently being implemented. Finally, a CT doctrine would outline these requirements and help alleviate the concerns of American citizens.

## **B. CURRENT ROLE OF PUBLIC IN COMBATING DOMESTIC TERRORISM AND THE PUBLIC’S PERCEPTIONS OF DOMESTIC TERRORISM**

The domestic terrorist threat is not only a concern for government and law enforcement agencies. Private citizens play significant roles in helping to recognize a true threat and actually combating domestic terrorism. Certain reports and studies have shown that the public has been instrumental in foiling terrorist plots and stopping attacks. The public has a key role to serve as the eyes and ears of law enforcement, who cannot be in

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<sup>158</sup> Bergen, and Hoffman, *Assessing the Terrorist Threat*, 20.

<sup>159</sup> *Ibid.*

all places at all times. The public is encouraged to be vigilant and report observed suspicious behaviors, and some members of the public accept the responsibility of selflessly taking actions to stop imminent threats and in the absence of law enforcement. However, in order to continue to be successful and to maintain that vigilance, members of the public must remain informed and engaged players in the domestic intelligence environment so that they do not become complacent.

With regard to fighting domestic terrorism, the public is the target audience for the Department of Homeland Security's (DHS) "If You See Something, Say Something" campaign. This campaign seeks to raise the public's awareness of indicators of terrorism and terrorism-related crime and report suspicious activities to local law enforcement. This campaign relies on an alert public to help keep communities safe and maintain open communications with authorities. The Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) is key to this campaign because the purpose of the NSI is to not only collect information, but to promote community outreach with an emphasis on explaining privacy policies and information-sharing systems to the public, as well as to ensure the public understands how and what to report to authorities.

As a result of tips from the general public, synthesized with other reported suspicious activities, the NSI shares locally generated intelligence with federal, state, and local jurisdictions. According to a 2011 Congressional Research Service (CRS) report, "[m]any believe that the sharing of SARs among all levels of government and the fusing of these reports with other intelligence information will help uncover terrorist plots within the United States."<sup>160</sup> It is imperative that local law enforcement not only identify and report on suspicious activity but also share that information with fusion centers and joint terrorism task forces (JTTFs) in a timely manner.

As explained earlier in this chapter, the NSI involves a five-step process: planning, gathering and processing, analysis, production and dissemination, and reevaluation. Once a suspicious activity is observed and reported in the SAR, the information is vetted by local law enforcement and shared with the state/local fusion

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<sup>160</sup> Randol, *Terrorism Information Sharing*.

center for additional vetting and follow-up, as needed. The process allows the public to be engaged in the counter-terrorism process by providing information that local law enforcement and fusion centers share with key partners throughout the country to allow for analysis and identification of potential terrorist activities.

There are many concerns surrounding suspicious activity reporting, especially the large amounts of information generated by the program. There are so many reports submitted, most of which may not have any significant implications or relevance to criminal activity, and some of which are duplicative. Once again, the privacy of the public must be considered, and the information submitted may be related to innocent behavior that has been misinterpreted. In response, the American Civil Liberties Union has initiated a lawsuit against the FBI for maintaining counter-terrorism files on five Americans who were the subject of SARs after engaging in “innocuous” activities.<sup>161</sup> Finally, the effectiveness of the NSI has never been measured, so the success of the program is questionable.

Although it has not been highly publicized in the media or by law enforcement, to date, the public has played a key role in thwarting potential terrorist attacks. A 2010 report from the American Security Project mentions that “civilian-provided intelligence” helped to open investigations in five cases<sup>162</sup> to prevent attacks. Also, “direct civilian intervention” disrupted two plots<sup>163</sup> that had not been discovered by existing counterterrorism strategies; namely, airport security, and terrorism watch lists.<sup>164</sup> According to the Institute for Homeland Security Solutions 2010 study, approximately 40

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<sup>161</sup> “Lawsuit Challenges Government’s ‘Suspicious Activity Report’ Program,” American Civil Liberties Union, July 10, 2014, <https://www.aclu.org/national-security/lawsuit-challenges-governments-suspicious-activity-report-program>

<sup>162</sup> Lackawanna Six (2002); Fort Dix Plot (2007); James Elshafay and Shahawar Matin Siraj (2004); Michael Reynolds (2005); Portland Seven (2002–2003).

<sup>163</sup> Richard Reid, “Shoe Bomber” (2001); Umar Farouk Abdulmutallab, “Underwear Bomber” (2009).

<sup>164</sup> Germain Difo, “Ordinary Measures, Extraordinary Results: An Assessment of Foiled Plots Since 9/11,” American Security Project, May 4, 2010, accessed October 6, 2011, <http://www.americansecurityproject.org/ordinary-measures-extraordinary-results-an-assessment-of-foiled-plots-since-911/>

percent of the 68 foiled attacks were stopped due to information provided by the public.<sup>165</sup>

Interestingly, the Federal Bureau of Investigation's (FBI) 2014 study of "active shooter" incidents revealed that private citizens are sometimes instrumental in stopping an active shooter.<sup>166</sup> Although an active shooting incident is not always terrorism-related, this type of event causes chaos, fear, and intimidation similar to the havoc caused by a terrorist attack, especially when perpetrated by a lone wolf terrorist. Of the 160 incidents studied, unarmed citizens safely and successfully restrained the shooter in 21 incidents (13.1 percent).<sup>167</sup> In five incidents (3.1 percent), the shooting ended after armed individuals, who were not law enforcement personnel and had a license to carry a firearm, engaged in gunfire with the shooters; killing three, wounding one, and one committed suicide.<sup>168</sup>

The psychological impact of the terrorist attacks on September 11, 2001 (9/11) may have contributed to this inequitable concentration on Islamic extremists in the United States. Terrorist attacks and threats may "result in more severe psychological consequences than other types of traumatic events due to a perceived lack of control."<sup>169</sup> The random nature and unpredictability of terrorist attacks and threats promote this lack of control and increase the perceived risk. Also, terrorism is a "purposeful act" that is "perceived to be perpetrated by a specific ethnic, racial, or religious group."<sup>170</sup> As a result, crime statistics show that there was an increase in hate crimes immediately following the attacks on 9/11, and some communities experienced increased

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<sup>165</sup> Strom et al., *Building on Clues*.

<sup>166</sup> Blair, and Schweit, *A Study of Active Shooter Incidents in the United States Between 2000 and 2013*.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid., 11.

<sup>169</sup> Adrienne S. Butler, Allison M. Panzer, and Lewis R. Goldfrank, "Understanding the Psychological Consequences of Traumatic Events, Disasters and Terrorism" in *Preparing for the Psychological Consequences of Terrorism: A Public Health Strategy*, ed. Adrienne S. Butler, Allison M. Panzer, and Lewis R. Goldfrank, (Washington, DC: The National Academies Press, 2003), 45.

<sup>170</sup> Ibid., 59.

discrimination, stigmatization, and anti-Muslim hate crimes.<sup>171</sup> This perception that Muslims are a significant threat may have been further strengthened by the continuing media coverage of radicalized Islamic extremist-focused terrorist plots, either foiled attempts or alerts and warnings. However, this type of coverage is unsubstantiated and seems disproportionate to reality.

The public seems unaware of or uninformed about the possible threats posed by non-Islamic domestic groups or lone wolves. Is this due to media spin? The attacks on 9/11 were shown over and over by the media. Have the graphic images from that day caused the American public to fear Muslims because they are perceived to be the biggest threat to Americans? Is this perception reinforced by the continuing coverage by media of primarily Islamic extremist-focused threats and foiled plots, although there have been other incidents by domestic terror groups that have not received as much hype in the media? It is important to remember that “[h]uman beings are much more powerfully influenced by negative than by positive information.”<sup>172</sup> As such, this perception of the threat of Muslim terrorist groups can and has spread throughout the country. Furthermore, it has developed into social amplification of these fears, the consequences of which are profiling of and negative bias toward Muslim-Americans, while neglecting what are perhaps the biggest threats—non-Islamic domestic terrorist groups and lone wolves.

Recent reports of increased violence and threats relative to foreign terrorist groups, the Islamic State of Iraq, Syria/Islamic State of Iraq, the Levant (ISIS/ISIL), Khorosan, and a faction of al-Qaeda operating in Syria, seem to have contributed, once again, to growing fear of terrorism by Americans. According to an *NBC News/Wall Street Journal* poll, conducted September 2–7, 2014 of 500 registered voters, 47 percent feel the U.S. is less safe than it was before September 11, 2001, as opposed to 28 percent feeling less safe one year ago.<sup>173</sup> A Pew Research Center poll of 2,002 adults nationwide, from

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<sup>171</sup> Ibid.

<sup>172</sup> James N. Breckenridge, and Philip G. Zimbardo, “The Strategy of Terrorism and the Psychology of Mass-Mediated Fear” in *Psychology of Terrorism*, ed. Bruce Bongar, Lisa M. Brown, Larry E. Beutler, James N. Breckenridge, and Philip G. Zimbardo (New York: Oxford University Press, 2007), 122. 116–133

<sup>173</sup> “Terrorism,” 2014, accessed September 25, 2014, <http://www.pollingreport.com/terror.htm>

September 2–9, 2014, showed that 53 percent were “very concerned” about the possible rise of Islamic extremism in the U.S., up from 36 percent in July 2011.<sup>174</sup>

## **C. DRIVING FORCES**

The following factors are derived from reports, studies, and subject matter experts regarding common domestic intelligence activities in the United States today. These activities appeared prominently in the literature and are important keys to the detection and prevention of domestic terrorism plots. Their continuation or enhancement is expected to improve upon the overall U.S. domestic intelligence and investigation enterprise.

### **1. Promoting Suspicious Activity Reporting**

The Nationwide Suspicious Activity Report (SAR) Initiative (NSI) is key to the gathering of suspicious activities reported by the general public and businesses. Some reported activities may not appear to be significant initially, but when coupled with other information that is available in a nationwide database, these seemingly insignificant pieces of information can be instrumental in initiating investigations and/or foiling potential terrorist attacks. The intelligence gathered from NSI can be shared up and down the domestic intelligence community, but it starts in the local communities. Information-sharing among all levels of government and among multiple disciplines is imperative to combating domestic terrorism because of three important factors: (1) a terrorist attack will happen in a local community and state and/or local first responders will be first on the scene, (2) terrorist plots and preparation occur within local communities where they are more likely to be observed by the general public and/or over 17,000 state and local law enforcement agencies, and (3) the compilation of multiple reports of seemingly unrelated suspicious activities is more likely to uncover a real crime or plot.<sup>175</sup>

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<sup>174</sup> Ibid.

<sup>175</sup> Randol, *Terrorism Information Sharing*.

## **2. FBI as the U.S.'s Domestic Intelligence Agency**

Based on the increasing and evolving domestic terrorism threat over the past few years, the Federal Bureau of Investigation has instituted improvements in an effort to make it the lead agency for countering the ever-changing domestic terrorism threat. Its enhanced resources include its 103 joint terrorism task forces (JTTFs), which identify, investigate, and follow up on terrorism leads; the newly reinstated Intelligence Branch, charged with proactively assessing risks and collaborating with other intelligence-collecting agencies; its Countering Violent Extremism Office, recently formed to work with federal partners and local communities to prevent violent extremists' fund-raising and radicalization efforts; increased specialized training and exercise opportunities for law enforcement dealing with active shooter and mass casualty incidents; and the Field Intelligence Groups (FIGs) assigned to the 56 field offices to identify intelligence gaps and produce intelligence information reports. The FBI also works collaboratively with the National Network of Fusion Centers as well as local law enforcement. There is concern that the U.S.'s multiagency domestic intelligence system is not the most effective system. Other countries, such as Great Britain, Canada, Germany, and France, have one agency that handles the collection and analysis of domestic security threats. These agencies do not have powers of arrest, though, as the police handle this responsibility based on information from the domestic intelligence agency. With its reforms since 9/11 and its involvement with intelligence collection and dissemination as well as investigations, perhaps the FBI is best poised to be the one domestic intelligence agency. However, the FBI was initially an investigative and enforcement agency and, to be most effective, may have to relinquish its intelligence role.

## **3. American Public as Observers and Enforcers**

Members of the American public can and has played a key role in foiling terrorist attempts in the U.S., and they should be included in the information sharing cycle so they are well-informed and can be the eyes and ears for local law enforcement. The public has been instrumental in helping to foil terrorist plots over the last several years. According to the Institute for Homeland Security Solutions (IHSS) report, law enforcement and the

public are generally “the first line of defense in detecting terrorist plots” and were key to foiling over 80 percent of terrorist plots from 1999 to 2009.<sup>176</sup> Terrorism expert Stephen Flynn also touted the importance of including the general public in efforts to combat domestic terrorism in his testimony before the U.S. House of Representative’s Committee on Homeland Security when he stated,

In short, the changing nature of the threat reinforces further the imperative for the federal government to better inform and engage local public safety agencies and everyday Americans in helping to detect and prevent terrorist activities. Unfortunately, as this committee is well aware, there still remain serious issues with sharing information and providing quality counterterrorism training to local police. And we have a very long ways to go when it comes to engaging the American public.<sup>177</sup>

The New America Foundation website contains a database on identified terror plots and what method was used to initiate investigations into those plots. For about one-third of the homegrown jihadist extremists indicted or killed since 9/11 through October 2014, family members of extremists and/or members of the Muslim community offered tips against them. In addition, suspicious activity reports aided in investigations of another nine percent of homegrown extremist cases.<sup>178</sup>

#### **4. Intelligence and Information Overload**

Domestic intelligence agencies may still have some issues sharing information, as the amount of information is simply too great for fusion centers or JTTFs to manage. This makes it even more important to have as many members of the intelligence environment as possible involved in collecting and reporting intelligence, including all local law enforcement and even the general public. Based on after-action assessments conducted on the Boston Marathon bombings and the Tsarnaev brothers’ backgrounds, there may have been an intelligence breakdown between the Boston JTTF and Boston Police Department in 2011 when Tamerlan Tsarnaev was first investigated. However, the Boston JTTF

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<sup>176</sup> Strom et al., *Building on Clues*, 12.

<sup>177</sup> *Assessing the Terrorism Threat* (testimony of Stephen Flynn), 4.

<sup>178</sup> “Terror Plots,” New America’s International Security Program, 2014, accessed November 2, 2014, <http://securitydata.newamerica.net/extremists/terror-plots>

conducted about 1,000 assessments that year, and the Tsarnaev case may not have warranted priority consideration or concern.<sup>179</sup> There are simply not enough federal intelligence and law enforcement resources to process all of the data currently being collected, analyzed, and disseminated. In fact, wider dissemination and greater information-sharing are needed to help monitor and investigate the plethora of targeted individuals, reports, tips, and activities related to potential domestic terrorism threats. As estimated in the U.S. House Homeland Security Committee's investigative report on the Boston Marathon bombings, there are only about 12,000 to 13,000 FBI agents worldwide and an estimated 800,000 local law enforcement officers in the U.S. to complement the efforts of federal law enforcement.<sup>180</sup>

Fusion centers, originally established to improve the sharing of anti-terrorism information among federal, state, and local law enforcement, have taken on a much larger role. Not only do they fuse state and local information with federal threat intelligence, many (approximately 40 percent) take on an all-crimes and/or all-hazards mission. Is this too much responsibility for the fusion centers? They are trained and staffed for collection, analysis, and sharing terrorism-related information, and should focus on this effort for better efficiency and effectiveness.

The review of the Boston Marathon bombings uncovered significant issues regarding the sharing of important risk-based information with local law enforcement. Tamerlan Tsarnaev had a history of radicalized behavior, was subject of a 2011 FBI-initiated threat assessment, and traveled to Russia in 2012, yet this was unknown to local law enforcement in Tsarnaev's own community. Local law enforcement officers are in the ideal position to collect and identify terrorist activities and should be considered the eyes and ears of the intelligence community. Members of the public can also assist with this effort, as they serve as additional eyes and ears of local law enforcement. The pressure, though, of reviewing and filtering all of this information, while conducting regular police work, remains a challenge for local law enforcement officers. Each local law enforcement agency's responsibilities in the counterterrorism effort need to be

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<sup>179</sup> Bergen et al., *Jihadist Terrorism: A Threat Assessment*, 17–18.

<sup>180</sup> Majority Staff of the Committee on Homeland Security, *The Road to Boston*.

formalized and must include officer training on how to recognize and synthesize key information to be shared, and maintain at least one counterterrorism point of contact within the community. This bottom-up strategy, similar to the United Kingdom's Special Branches initiative, is the basis of a national counterterrorism doctrine.

#### **D. RESTRAINING FORCES**

The following section highlights areas of concern within the domestic intelligence arena. Because of these concerns, advocates are pushing for cutting back on the current domestic intelligence structure and initiatives.

##### **1. No One Domestic Intelligence Agency**

The Department of Justice's (DOJ) Federal Bureau of Investigation (FBI) has greatly enhanced its intelligence capabilities since 9/11 and uses its joint terrorism task forces (JTTFs) and field intelligence groups (FIGs) to develop relationships with counterterrorism officials on the local level. In addition, DHS has an Office of Intelligence and Analysis (I&A) and supports state and urban area fusion centers, both of which receive and share terrorism-related information with the local level. Although other countries function with one agency responsible for the collection, analysis and dissemination of intelligence, the overlapping, but separate missions of DOJ and DHS make it difficult to maintain one, intelligence-focused agency in the United States. Even with all of these resources, there are formal and informal restrictions on fully sharing information down to the local level. As outlined above, there are cases, such as the Boston Marathon bombings, where it was revealed that not all risk and threat assessment information was shared by the FBI/JTTF with local law enforcement, who needed this information to possibly recognize potential terrorist threats. A national counterterrorism doctrine would identify each agency's role, address any overlap, and ensure that the local level drives intelligence-sharing and collaboration. Perhaps DOJ's recently re-established Domestic Terrorism Executive Committee could contribute to the doctrine by clarifying the profile of domestic terrorism in the U.S., to include intelligence collection on domestic terrorist groups, foreign terrorist organizations, and homegrown individuals.

## **2. Public Perceptions**

Is the domestic terrorist threat as serious as represented to the American public? According to a September 2014 *NBC News/Wall Street Journal* poll of a small sample of registered voters (approximately 500), 47 percent of respondents feel less safe now than they did before September 11, 2001, as opposed to 28 percent reporting feeling less safe only a year earlier, in September 2013.<sup>181</sup> The devastation and impressions resulting from 9/11 are perhaps still at work. Political scientist John Mueller admits, “there is a great deal in dramatic first impressions: once a perceived threat is thoroughly implanted in the public consciousness, it can become internalized and accepted as a fact of life.”<sup>182</sup> If the threat is truly not there and the American public and government eventually become no longer concerned about a threat, then this will significantly impact budgets and funding for domestic intelligence and law enforcement agencies.

## **3. National Threat Assessments**

The last National Intelligence Estimate (NIE) on terrorism was completed in 2007. The DHS I&A published two threat assessments in 2009 on left- and right-wing extremists. It was not until September 2012 that the FBI released a National Terrorism Assessment on Domestic Terrorism. Also, DHS downsized its team that focused on non-Islamic domestic terror a few years ago. The lack of overall assessments and continual updated assessments on domestic terrorism implies that the threat is not a priority and resources are being reduced. However, in 2014, both the DHS I&A and the FBI published national domestic terrorism assessments and DOJ reestablished its Domestic Terrorism Executive Committee. Perhaps domestic terrorism is reemerging as a priority in 2014.

## **4. Fusion Centers and Suspicious Activity Reporting Initiative**

Are fusion centers operating as originally intended? Initially, fusion centers were established to share terrorist-related information among state, local, tribal, and federal

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<sup>181</sup> “Terrorism,” 2014, accessed September 25, 2014, <http://www.pollingreport.com/terror.htm>

<sup>182</sup> Mueller, *Overblown*, 89.

law enforcement. However, many fusion centers have expanded their roles to include all hazards and/or all crimes. The missions and rules implemented by fusion centers vary among jurisdictions, based on the needs and priorities of the given community. Statements by the Heritage Foundation raise concerns that fusion centers are too “federal-centric.”<sup>183</sup> It claims that there are not enough resources, such as training and technology tools, supporting the 70+ fusion centers throughout the country. As a result, the centers are merely “data providers” and do not have the capabilities to conduct comprehensive analysis and intelligence work.<sup>184</sup> Also, the expanded role of fusion centers may be diluting their effectiveness in dealing with domestic terrorism because their focus has been diverted to other crimes and emergencies. After conducting a two-year examination of fusion centers and their intelligence products, a bipartisan report by the Permanent Subcommittee on Investigations, released in 2012, revealed that “DHS-assigned detailees to the fusion centers forwarded ‘intelligence’ of uneven quality—oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.”<sup>185</sup> Sustainment is also becoming an issue, as fusion centers are primarily funded with DHS grant funds. Budget constraints may limit or eventually eliminate this significant support for Fusion Centers.

There are also concerns by such groups as the American Civil Liberties Union (ACLU) as to the type of information being collected on American citizens and the collection methods. The ACLU asserts that fusion centers are “policy shopping” and that a fusion center that is prohibited from collecting certain data by state privacy or open records laws can obtain this data from other states’ fusion centers that are not restricted by these stringent laws. Also, fusion center analysts are not subject to the federal Freedom of Information Act (FOIA). Extreme secrecy is another issue in that information

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<sup>183</sup> Matt A. Mayer, “What is the Terrorism Threat Now? Too Federal-Centric,” *The New York Times*, Opinion page, March 10, 2011, <http://www.nytimes.com/roomfordebate/2011/03/10/what-is-the-terrorism-threat-now/counterterrorism-is-too-federal-centric>

<sup>184</sup> Ibid.

<sup>185</sup> Permanent Subcommittee on Investigations, *Federal Support for and Involvement in State and Local Fusion Centers* (Washington, DC: U.S. Senate, 2012), 1.

is over-classified that limits the dissemination of important domestic terrorism information, ultimately defeating the very purpose of fusion centers: collaboration and information-sharing. The ACLU is also concerned about violation of the Posse Comitatus Act and conflicts of interests with military and private sector participation, respectively.<sup>186</sup>

A key component of the Fusion Centers Network is the Nationwide Suspicious Activity Reporting Initiative, which has also come under fire by the ACLU. In July 2014, the ACLU of California, the national ACLU, and Asian Americans Advancing Justice-Asian Law Caucus filed a lawsuit, *Gill v. DOJ*, challenging the legality of the SAR program. According to the ACLU, “[t]his domestic surveillance program wrongly targets First Amendment-protected activities, encourages racial and religious profiling, and violates federal law,” such as DOJ’s own requirement of having “reasonable suspicion” of criminal activity before collecting information on someone.<sup>187</sup> On the contrary, the SAR program only requires documenting behaviors that “may be indicative” of terrorism planning “or other illicit intention.”<sup>188</sup> This lawsuit emphasizes the fact that DHS and DOJ have not made changes to the SAR program since a 2012 bipartisan Senate subcommittee report<sup>189</sup> and a 2013 U.S. Government Accountability Office (GAO) report,<sup>190</sup> both of which highlighted the failures of the SAR program and provided recommendations to DHS for improving the effectiveness of fusion centers and the SAR program.

The above information provides an overview of the current structure of the domestic intelligence enterprise. According to lessons learned from recent domestic terrorism incidents, such as the Boston Marathon bombings, there are still gaps in

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<sup>186</sup> German, and Stanley, *What’s Wrong with Fusion Centers?*

<sup>187</sup> “Lawsuit Challenges Government’s ‘Suspicious Activity Report’ Program.”

<sup>188</sup> *Ibid*

<sup>189</sup> Permanent Subcommittee on Investigations, *Federal Support for and Involvement in State and Local Fusion Centers*.

<sup>190</sup> Government Accountability Office, *Information Sharing: Additional Actions Could Help Ensure that Efforts to Share Terrorism-Related Suspicious Activity Reports are Effective* (GAO-13-233) (Washington, DC: Government Accountability Office, 2013), <http://www.gao.gov/products/GAO-13-233>

communications and information-sharing between the federal government and local law enforcement. Key information collection tools, such as state and urban area fusion centers and suspicious activity reports, appear necessary, but have issues surrounding privacy protection and civil liberties. Most importantly, the engagement of the general public and local community organizations has not been realized to date. Furthermore, there is currently no national counterterrorism doctrine to prioritize and address these gaps.

In the following chapter, there will be analysis of the driving and restraining forces concerning both the domestic terrorism threat and the current issues and challenges with domestic terrorism intelligence. The prevailing findings from the cited reports, studies, and expert testimony will be revealed and used as the basis for recommendations for change.

## V. ANALYSIS

So far, this thesis has reviewed the evolution of domestic terrorism in the United States, from the definitions of domestic terrorism and variations of similar offenses, to the beginnings of domestic terrorism in this country, through today's prevailing domestic terrorist threats. The current structure, challenges, and advantages of the domestic intelligence system have also been outlined. Following is analysis, based on the weight of both the driving and restraining forces identified earlier in this thesis for both claims: 1.) Domestic terrorist threat in the United States is growing, and 2.) Domestic intelligence agencies are not sufficiently collaborating or focusing on the magnitude and shifting forces behind the emerging domestic terrorist threat in the United States.

### A. DOMESTIC TERRORIST THREAT IN THE UNITED STATES IS GROWING

Over the past several years, the domestic terrorist threat has not been a critical issue for Congress; federal, state, tribal, and local law enforcement and intelligence officials; the media; or even the general public. There have been some high profile and shocking domestic terrorist plots and successful attacks within the U.S., such as the bombings in Oklahoma City and, more recently, at the Boston Marathon. However, it is the international terrorist threats from Islamic extremist groups, such as al-Qaeda and the Islamic State in Iraq and Syria (ISIS), which have been highlighted more in the media and addressed more through new statutes, policies, and funding from Congress. This is supported by the fact that no formal intelligence analysis on domestic terrorism was completed since the Department of Homeland Security's Office of Intelligence and Analysis Department (DHS I&A) report in 2009 and, in fact, DHS I&A had reduced intelligence staffing responsible for collecting and reporting on non-Islamic domestic terrorist threat. The Department of Justice (DOJ) had also scaled down its focus on domestic terrorism. The media highlighted the war on terrorism in the Middle East, but not as much on the plots and attacks perpetrated by non-Islamic extremists within the U.S.

In 2014, though, the trend seems to be shifting and the domestic terrorist threat is being taken more seriously. DOJ has reinstated its Domestic Terrorism Executive Committee. The Federal Bureau of Investigation and the DHS I&A both released national threat assessments on the domestic terrorism threat. Their focus was on the more violent actions and messaging from the non-Islamic, anti-government patriot groups, such as the Sovereign Citizens and militias. The threat from violent Islamic extremists in the U.S. is also being highlighted during 2014 Congressional hearings, such as that of *Jihadist Safe Havens: Efforts to Detect and Deter Terrorist Travel*,<sup>191</sup> which targeted the flow of foreign fighters to and from Syria.

In the U.S. today, there is an increased threat of domestic terrorism, and terrorist activities have become more violent and deadly. According to the published statistics of violent domestic terrorist events, the most successful type of terrorist over the past decade, and seemingly the most immediate threat, is the lone wolf offender; one who acts on his/her own without being currently involved with a structured terrorist organization. Anti-government groups, such as the Sovereign Citizens and militias, have also carried out high profile violent actions in recent years, which makes them a major concern for law enforcement. The newest addition to the contemporary domestic terrorism threat is the emergence of homegrown violent extremists and radicalized foreign fighters.

Because of unclear definitions, it is difficult at times to differentiate between domestic terrorism and violent extremism. Depending upon the charges filed in each case, the manner in which a case is classified and handled by law enforcement and the judicial system differs. A clear definition of domestic terrorism and an understanding of the current threat are needed to establish the “big picture” of the domestic terrorism threat. From the non-Islamic extremist groups to the returning foreign fighters who have undergone radicalization, all groups must be recognized as a threat, and a plan for managing that threat must be established and implemented.

The growing number of successful attacks by lone wolves, who are also known primarily as active shooters, is also a concern. Lone wolves are most often identified as

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<sup>191</sup> *Jihadist Sanctuaries in Syria and Iraq* (testimony of Seth G. Jones).

the most serious threats in testimony, studies, and reports concerning domestic terrorism and active shooters. It is likely that because of this demonstration of success by lone wolves and law enforcement's designation of lone wolves as the most dangerous threat, that the ruthless and formidable terrorist group, ISIS, has taken to social media to recruit violent extremist followers to conduct lone wolf attacks against U.S. and its Western allies, specifically, military and law enforcement officials. This method appears to be effective and may have prompted the October 2014 attacks by lone wolves, in New York City and Canada, who are suspected to have been inspired by ISIS.<sup>192</sup>

A strong connection to lone wolf attacks is the radicalization process, which is reinforced by social media. International and national terrorist groups are active on social media, such as Facebook, Twitter, and anti-government websites and blogs. Counter-radicalization efforts in the U.S. do not address this successful radicalization method by presenting counter arguments or messaging to educate and engage the public regarding terrorist groups and their murderous, extremist ideas.

**B. DOMESTIC INTELLIGENCE AGENCIES ARE NOT SUFFICIENTLY COLLABORATING OR FOCUSING ON THE MAGNITUDE AND SHIFTING FORCES BEHIND THE EMERGING DOMESTIC TERRORIST THREAT IN THE UNITED STATES**

A national domestic intelligence collection effort that focuses on violent jihadist extremism, as well as right- and left-wing extremism, is needed. Also, the roles and

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<sup>192</sup> Martin Couture-Rouleau of Saint-Jean-sur-Richelieu, Quebec, was killed by law enforcement after he struck and killed two members of the Canadian Armed Forces with his car. A friend of Couture-Rouleau's suggested that he had carried out the attack in response to an appeal by IS for jihadists across the world to carry out 'lone wolf' attacks on westerners. Jack Moore, "Canada Raises Terror Threat Level Because of Isis 'Lone Wolf' Attack on Two Soldiers," *International Business Times*, October 22, 2014, <http://www.ibtimes.co.uk/canada-raises-terror-threat-level-because-isis-lone-wolf-attack-two-soldiers-1471223>

Also in Canada, Michael Zehaf-Bibeau's fatal shooting attack on a soldier guarding the national war memorial, storming of parliament while armed, may have been "driven by ideological and political motives," according to police. Rob Gillies, "Gunman in Canada Attack Prepared Video of Himself," *Yahoo News*, October 26, 2014, <http://news.yahoo.com/gunman-canada-attack-prepared-video-himself-234721558.html>

Zale H. Thompson, a converted Muslim and self-radicalized individual, attacked four New York City police officers with a hatchet. Shimon Prokupecz, and Kevin Conlon, "NYPD: Hatchet Attack an Act of Terror," *CNN*, November 5, 2014, <http://www.cnn.com/2014/10/24/us/new-york-police-attacked/index.html>

responsibilities of the federal, state, local, and tribal authorities to identify and counter radicalization must be clearly defined. Homegrown terrorists continue to form throughout the country and the local police and public need the proper information to be vigilant and proactive.

As recommended by the National Security Preparedness Group in 2011, although there are many counter-radicalization efforts in existence, they are not coordinated to ensure that they are being used efficiently, information is not being shared up, down, and across intelligence agencies, and intelligence is not shared in a timely manner, especially at the local level.<sup>193</sup> Every community should have a counterterrorism point of contact to ensure information-sharing and that information is shared both up and down. “Balance” is a key concept that is not evident in counter-radicalization and counterterrorism efforts in the U.S. Intelligence efforts and processes are top-heavy, as the federal government has investigative powers that allow it to acquire intelligence that is not always available to or shared with local law enforcement. Also, the process includes primarily public safety agencies but does not integrate key partners from other disciplines, such as faith-based, community leaders, and public health. Counter-radicalization strategies should also use a “balanced-power approach” with all levels of government incorporating both hard-power and soft-power tactics to work with and focus on communities that are targeted by terrorists for radicalization and recruitment.<sup>194</sup>

One of the key methods for the collection and analysis of local and state-level intelligence and information is through the National Network of Fusion Centers. This information-sharing network was established to analyze and synthesize local intelligence efforts. All 70+ state and major urban area fusion centers are required to achieve and sustain a minimum level of capabilities that have been established by the federal government. However, many fusion centers are not performing as designed and no formal evaluation of the fusion centers’ impact on the situational awareness of terrorist threats has been completed to date. Another resource in the domestic intelligence effort is the Nationwide Suspicious Activity Reporting Initiative (NSI), an effort that has generated

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<sup>193</sup> Neumann, *Preventing Violent Radicalization in America*.

<sup>194</sup> Deardorff, “Countering Violent Extremism.”

large amounts of information and intelligence data, but also a resource that has not been formally evaluated to demonstrate its success. One overall concern that may be limiting the success and efficiency of domestic intelligence efforts is the overabundance of information, which is sometimes duplicative and irrelevant. Also, the collection and analysis of this type of information raise concerns about the protections of civil liberties and privacy.

Today's domestic terrorism threat in the U.S. shows a drop in the number of active patriot and hate groups, yet there are more violent acts carried out by these groups, particularly against law enforcement. An added concern that has emerged most recently is the threat from Western violent extremists who have traveled to and are inspired by international terrorist organizations in Syria and Iraq, particularly the Islamic State. Their return to the U.S., and potential dangerousness upon their return, must be tracked and addressed. The research has shown that the most successful and likely most dangerous domestic terrorist attack is perpetrated by the lone wolf. Lone-wolf offenders, who are often undetectable because they are usually not associated with a known terrorist group, have acted out their extremist beliefs with violent acts against law enforcement and other innocent bystanders. In addition, lone offenders are also closely associated with crimes perpetrated by active shooters and returning foreign fighters. All of the above-mentioned issues can be addressed in a national counterterrorism policy in conjunction with a counter-radicalization strategy, including bottom-up information-sharing, training to strengthen and focus intelligence collection efforts, and culturally sensitive and engaging messaging to counter extremist propaganda and influence on social media and the Internet.

The final chapter outlines recommendations for addressing these issues and an implementation strategy. In addition, it identifies challenges to be considered when addressing the issues. Finally, some issues have been recommended for additional research, such as profiling the lone wolf terrorist, because current resources were found to be limited.

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## VI. CONCLUSION

This thesis has focused on the domestic terrorist threat to the homeland and the roles and responsibilities of the key players in the domestic intelligence and investigation arenas. After reviewing the many opinions and viewpoints found in the above mentioned reports, studies, assessments, polls, and testimonies of terrorism experts and representatives from public and private entities, there were some common themes and recommendations that should be considered when addressing and combating domestic terrorism. The domestic terrorism situation in the United States is dynamic and encompasses far more threats and extremist groups than it has in the past. Also, these groups are more violent; their plots are hatched in local communities throughout the U.S., and their members and followers are not always known to law enforcement although they live, work, attend school, and belong to faith organizations within local communities. Therefore, it is necessary for local law enforcement, the general public, and local organizations to be vigilant and aware of warning signs of potential domestic terrorism activity, recruiting, and interest within their own communities.

Combating the domestic terrorist threat is complex and requires additional analysis and attention from those entities most involved with the prevention, detection, investigation, interdiction, and mitigation of domestic terrorism in the U.S. These entities include the federal government, particularly Congress, which is responsible for developing laws, regulations and penalties relative to domestic terrorist activities; the Department of Justice (DOJ), which includes the U.S. Attorneys' Offices to conduct prosecutions, and the Federal Bureau of Investigation (FBI) to identify, prevent and investigate domestic terrorism groups and individuals; and the Department of Homeland Security (DHS) to acquire and share intelligence, and protect U.S. borders from unauthorized entry of known and suspected terrorists. Other targeted partners in the fight against terrorism include state and urban area fusion centers to collect, analyze, and disseminate domestic terrorism intelligence to federal, state, and local partners. Local law enforcement are partners responsible for protecting the public from terrorism by observing and investigating suspicious behavior, and conducting outreach activities to

gain community trust and connections. As a partner, the general public must remain vigilant in reporting suspicious activities and, under certain circumstances, deter terrorist activities when the opportunity arises and it is safe to do so. An engaged and informed citizenry is in fact a great force multiplier for prevention and resiliency of communities.

The following sections contain recommendations concerning the above mentioned entities' roles in truly understanding the scope of the domestic terrorism threat and improving the overall capacity to respond to that threat.

#### **A. RECOMMENDATIONS AND COUNTERTERRORISM ACTION PLAN**

The domestic terrorism enterprise comprises federal, state, local, and tribal law enforcement and intelligence officials; the military; the private sector, including for-profit and non-profit businesses; human service agencies, such as mental health and social services; faith-based organizations; and the general public. A working group, consisting of representatives from each of these entities should be established to prepare an action plan and timeline for developing and implementing a formal, national counterterrorism (CT) doctrine in the U.S. The doctrine must identify the roles of the federal, state, tribal, and local intelligence agencies and create a necessary and acceptable balance between the responsibilities of federal agencies and local law enforcement. Specifically, the doctrine should define how information-sharing and relationships should be managed and maintained between the key intelligence players. As a "community," intelligence agencies must agree on what intelligence should be collected and for what purposes and document this in the CT doctrine. The CT doctrine's theme should be that of a bottom-up approach, recognizing that low level threats from homegrown terrorist plots within local communities must be the priority. In order for it to be successful, federal agencies must ensure that local police departments are included in the intelligence loop and investigative activities.

The overall focus of the CT doctrine should be on managing, not eliminating, the domestic terrorism risk. The goal of domestic terrorism policy should be on how the FBI can manage risk associated with domestic terrorism incidents. Domestic terrorism has existed for over 150 years, and it is has only grown and become more violent over that

time. Moreover, it is unlikely that it will completely disappear. The goal of the fight against domestic terrorism should be that of mitigation, not prevention. There is simply not enough funding to prevent and respond to every domestic terror event. This is especially true given the successes of lone wolf offenders, who most experts agree are the most dangerous and difficult to detect in advance.

Below are components and recommendations must be considered and incorporated into the CT doctrine.

### **1. Common Operating Picture or Big Picture Overview**

As mentioned in this thesis, national assessments and intelligence reports concerning domestic terrorism have been few and far between. The standard is the national intelligence estimate (NIE), created by the Office of the Director of National Intelligence. The NIE provides a clear picture of the current situation in its entirety and provides long-term projections of how the situation will change over the next several years. Traditionally, NIEs have been used to assess the foreign threat, but an NIE for the domestic threat is currently needed. The NIE and its key judgments would be the baseline for the federal stakeholders to develop a comprehensive CT doctrine that outlines the responsibilities of all levels of government, the key CT activities that need to be implemented and maintained, and performance measures for gauging progress and making strategic adjustments over time. The strategy must be developed and shared with all levels of government so that everyone has the same information, the same methods and timelines for communications, and overall objectives for addressing the current and anticipated domestic terrorism threats. A comprehensive and coordinated report of the long-term potential of this threat is needed so that the FBI, fusion centers, and local law enforcement can plan and coordinate.

The National Network of Fusion Centers and the Nationwide Suspicious Activity Reporting Initiative can also contribute to establishing a common operating picture. First, formal evaluations of each of these resources must be completed in order to ensure their operating status and efficiency are at optimal levels for combating domestic terrorism.

**a. *Recommendation 1: Develop a National Intelligence Estimate Focused on Domestic Terrorism***

The Director of National Intelligence (DNI) must develop a new national intelligence estimate on domestic terrorism. The last NIE on terrorism, entitled, “The Terrorist Threat to the U.S. Homeland,” was issued in July 2007 and primarily focused on the international terrorist threat.<sup>195</sup> In order to develop the NIE, all federal, state, and local agencies involved with the identification, analysis, investigation of and response to domestic terrorist threats must share facts and information to develop a common operating picture of the domestic terrorism threat today and the implications for the future. Because the role of law enforcement and continued cooperation and input by American citizens is necessary in the fight against domestic terrorism, the NIE’s key judgments should be declassified. The Federal Bureau of Investigation (FBI) is the agency primarily responsible for gathering intelligence on domestic terrorism, and has the trained intelligence staff to collect information from other federal, state, and local intelligence sources and analyze available information, and collaborate with the Office of the DNI to make key judgments.

**b. *Recommendation 2: Evaluate the Effectiveness of the Nationwide Suspicious Activity Reporting Initiative on Countering Domestic Terrorism***

There is a concern about the effectiveness of the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI). In order to address this, the SARs should be tracked and documented as to their ultimate use. A quantitative and qualitative metric, developed to determine effectiveness in terms of prevention and/or early warning, is warranted. As identified in the 2011 Congressional Research Service report on NSI, other than the number of SARs produced and the number of SARs shared, there is not an effective way to accurately measure results.<sup>196</sup> Quantification alone is in large measure useless absent a qualitative assessment of actual operational results. Originally, the NSI was a well-conceived and viable idea for the collection and analysis of terrorism-related SARs, but it

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<sup>195</sup> National Intelligence Council, *National Intelligence Estimate: The Terrorist Threat to the U.S. Homeland* (Washington, DC: Office of the Director of National Intelligence, 2007).

<sup>196</sup> Randol, *Terrorism Information Sharing*.

has lost its focus due to redundant and irrelevant information. The agency most appropriate for developing an evaluation plan for the NSI is the Bureau of Justice Assistance's (BJA) NSI Program Management Office (PMO). The PMO was established in March 2010 and is responsible for coordinating NSI efforts among all levels of government.<sup>197</sup>

*c. Recommendation 3: Evaluate the Effectiveness of Fusion Centers in Combating Domestic Terrorism*

The Department of Homeland Security's (DHS) Office of Intelligence and Analysis (I&A) must conduct a formal evaluation of the effectiveness and outcomes of fusion centers, and produce recommended organizational changes. DHS has supported and primed the National Network Fusion Centers to establish a collaborative intelligence collection and analysis capability focusing on domestic terrorism. Based on evaluation outcomes, the ideal situation would be for fusion centers to revert to their original purpose and focus only on CT efforts so that comprehensive data collection and analysis may be completed at the state and local level. This "back to basics" approach would allow intelligence personnel to focus on domestic terrorism and receive the training and tools to fulfill this objective.

A formal assessment of state and major urban area fusion centers can begin with the results of the annual baseline capabilities assessment (BCA) process in which each fusion center must participate. Fusion centers are greatly dependent on federal grant assistance from DHS and grant funds must address capability gaps identified in the BCA. Under the Homeland Security Grant Program funding guidelines, clear measurements and reporting methods have been imposed for states and urban areas to gauge their progress in improving fusion center capabilities. DHS I&A has developed a Fusion Center Performance Program to collect standardized data and "evaluate the value and impact of individual fusion centers and the national network as a whole in supporting

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<sup>197</sup> Ibid., 17.

national information sharing and homeland security outcomes.”<sup>198</sup> However, there are no published results from this program to date.

In response to concerns about privacy rights and civil liberties, an organizational change for fusion centers involves the standardization of operational procedures, training for staff, and consent to abide by Freedom of Information Act laws and open government requirements. Ongoing evaluation of fusion centers will be more useful with standard operational procedures in place.

## **2. Training Plan**

A comprehensive CT doctrine should also outline standardized and ongoing training for intelligence analysts and local law enforcement to improve intelligence capabilities and efficiencies.

### ***a. Recommendation 4: Develop and Implement a Counterterrorism Training Plan***

A comprehensive CT doctrine must include training standards for all levels of government to ensure that personnel are trained to identify and synthesize the key types of intelligence. In support of the CT effort, training must be offered to state and local government personnel to improve skills in the areas of engagement, outreach, and cultural competency. Training for local law enforcement should also emphasize how to identify and follow-up on general crime investigations that may lead to terrorist plots.

The CT training plan must support funding for additional and standardized training/certification of intelligence analysts regarding information collection, analysis, and dissemination; basic training for local law enforcement officers to recognize reported or observed suspicious behaviors as significant enough to complete suspicious activity reports; standardization of staffing, policies and procedures among federal, state, and local domestic intelligence agencies; legal reviews to ensure the protection of privacy rights and civil liberties; and other necessary tools to the domestic intelligence enterprise for the implementation of a robust domestic terrorist response operation.

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<sup>198</sup> Department of Homeland Security, “Fusion Center Performance Program (FCPP),” August 19, 2014, accessed October 27, 2014, <http://www.dhs.gov/fusion-center-performance-program-fcpp>

### **3. Community Outreach, Engagement, and Awareness**

If members of the general public are going to play a role in combating domestic terrorism, then members must be able to understand the current terrorism situation in the country and terrorism indicators within their own communities. State and local government personnel must establish solid relations with local communities so they can obtain important information that may help identify radicalization and other suspicious activities. As discovered in the investigation into the Boston Marathon bombings, members of the community and community organizations are in the best position to notice terrorist threats, and they should be constantly reminded to be vigilant in observing and reporting suspicious behavior. The DHS Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) should continue its Building Communities of Trust (BCOT) initiative, which supports local law enforcement and fusion centers when interacting with their local communities to explain the SAR process, the purpose of the NSI, the role of fusion centers, and the steps taken to ensure privacy.

#### ***a. Recommendation 5: Engage the American Public in the Intelligence Process***

DHS has attempted to engage the American public in combating terrorism with the “If You See Something, Say Something” campaign. Members of the American public can and have played a key role in foiling terrorist attempts in the U.S., and they should be included in the information sharing cycle so they are well-informed and can be the eyes and ears for local law enforcement. Providing clear and detailed information to the public regarding terrorist groups and/or threats not only promotes trust, but empowers the public by providing them with a substantial role in the “war on terrorism.”

If the government, via the media, clearly defines the risks and the realistic possibilities for the public, it will most likely quell the spread of rumors and panic. Because the media have such a major impact on influencing the public’s perception of terrorism, it will be necessary for the media to “frame” the message about domestic terrorism in a manner that promotes public trust, awareness, and capability. This may be accomplished once government agencies and leaders develop strong relations with the

media that would allow them to provide accurate and timely information to the public and engage in “full public discourse” to counter “rumors, misinformation, and distrust.”<sup>199</sup>

Another method for engaging the public and mitigating their perception of lack of control is to include them in the intelligence process, which has historically been restrictive due, perhaps, to the over-classification of information. With regard to intelligence, the public is already involved at the beginning of the process through submission of suspicious activity reports. The public’s role ends at that point of the process, but its assistance may be instrumental later in the process as well. Once the information is submitted, analyzed, and shared with other federal, state, and local intelligence agencies, the findings, if any, should be shared with members of the public so they, too, are more aware of possible threats and the extent of those threats. This would allow members of the public to assess the actual risk to themselves and family members, make choices on whether or not to act on the findings, and not be as fearful of the “unknown” threat. The NIE’s key judgments, if unclassified, would satisfy the public’s involvement at the tail end of the intelligence process. As recommended above, the NIE should be a source of information for the public, as well as for domestic intelligence agencies, to effectively combat domestic terrorism.

***b. Recommendation 6: Continue to Educate the American Public about Domestic Terrorism Risks and Threats***

Congress can and should take the positive role of educating the public and issues groups about the role of domestic intelligence agencies. It is important that the Congressional Homeland Security Committees continue to hold domestic terrorism hearings, and they must include profiles of all domestic terrorist threats, from both Islamic and non-Islamic extremist groups, so that the public may be educated and aware.

This effort will promote public trust and enhance members of the public’s feelings of being in control of the situation. This, along with engagement of state and local law

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<sup>199</sup> Breckenridge, and Zimbardo, “The Strategy of Terrorism,” 128.

enforcement and public safety officials, is truly the country's best chance for responding to the "dynamic and diversified" domestic terrorism threat.<sup>200</sup>

DHS must also take a lead in implementing proposed changes to focus on domestic terrorism and engaging the public. It should collaborate with the Department of Justice (DOJ) and its components, including joint terrorism task forces (JTTFs), FBI field offices, and with representatives from local law enforcement, to ensure that all local communities have at least one counterterrorism point of contact who will be informed and act as liaison with federal, state, and local intelligence agencies, as well as local community members and organizations.

#### **4. Funding for Implementation**

The Department of Homeland Security and the Department of Justice currently provide grant funding for all of the above-mentioned activities. State agencies determine and justify the investments they will make with their federal grant funds, and it may be for targeting threats other than from domestic terrorist groups, based on state risk assessments of their population, key resources, and critical infrastructure. However, funds are becoming scarce due to budget constraints, and Congress may have to earmark funds specifically for CT initiatives and evaluations. A critical and expensive piece of the CT doctrine is the continued funding for the operation of state and urban area fusion centers.

##### ***a. Recommendation 7: Continue Funding to Promote Transparency and Inclusion in the National Network of Fusion Centers***

The DHS I&A's Directorate of Plans, Policy, and Performance Management must drive new policies and procedures that incorporate the expansion of disciplines engaged in fusion center activities to include Congress and the public. Although there are concerns that the military and private sector involvement in fusion centers is a conflict of interest, the implementation of standard policies and procedures, clear definitions of roles and responsibilities, and transparency in the fusion process will formalize and justify their presence. Military and private sector personnel should continue to participate in fusion

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<sup>200</sup> Bergen, and Hoffman, *Assessing the Terrorist Threat*, 31.

centers to provide subject matter and analytical expertise relative to domestic terrorism and critical infrastructure protection. Fusion centers are primarily supported with federal homeland security grant funds and this funding should continue, contingent upon the fusion centers meeting established operational and training standards.

## **5. Implement Strategy to Prevent Radicalization and Violent Extremism**

Although in 2011 the White House published the *National Strategy for Counterterrorism*<sup>201</sup> and the *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*,<sup>202</sup> there has been no follow through and there continues to be gaps in information-sharing and failures in identifying dangerous, radicalized individuals. Counter-radicalization is aimed at empowering communities to be resilient and to protect them against recruitment, whereas CT targets the identification and prevention of terrorists. In response to the CT and counter-radicalization issues, every police department should designate a CT point of contact to work with the local fusion center and JTTFs concerning intelligence and information-sharing. This can be accomplished through additional training and shifting of some duties within small and large police departments, and it would ensure that the terrorist threat “big picture” is clear to as many law enforcement agencies as possible. This is also necessary to establish and fulfill a counter-radicalization strategy.

### ***a. Recommendation 8: Empower Local Law Enforcement in the Identification and Mitigation of the Emerging Threat from Foreign Fighters***

Detection and deterrence of radicalized “foreign fighters” traveling to and from the U.S. must also be a priority. In his testimony before the Committee on Homeland Security, Seth Jones urged legislators to develop and implement policies and procedures in the U.S. to help detect violent extremists, both U.S. citizens and other Western nationalities, who are entering and/or returning to this country after training and fighting

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<sup>201</sup> The White House, *National Strategy for Counterterrorism*.

<sup>202</sup> The White House, *Strategic Implementation Plan*.

with rebel organizations overseas.<sup>203</sup> It is also important to reduce the number of Western foreign fighters who are traveling overseas to receive training and fighting with al-Qaeda and other Salafi jihadist groups. Jones's recommendations reinforce the need for the U.S. to strengthen intelligence collection efforts as well as empower local law enforcement. With regard to the former, the recommendation is that foreign and domestic intelligence agencies, including the Central Intelligence Agency, the National Security Administration, DHS, and the FBI, must be able to collect, analyze, and disseminate both signals and human intelligence on individuals traveling to and from Syria in order to ensure that they are properly added to watch lists. Jones's second recommendation concerning foreign fighters is to replicate the United Kingdom's practice of assigning a coordinating officer in local police departments.<sup>204</sup> This type of resource already exists in most large, urban area police departments in the U.S., yet smaller departments do not have this dedicated resource. There are several examples of domestic terrorist cells and plots that originated and operated in small town America.

***b. Recommendation 9: Participate In and Monitor Social Media and the Internet***

Many domestic terrorist groups described in this thesis have successfully used social media and the Internet to recruit and inspire radicals, as well as raise funds for their training, exercises, weapons, and travel needed to implement their plots. The U.S. has the ability to promote CT and counter-radicalization campaigns via the same media. All levels of government and businesses have public affairs officials who access and post to the same social media sites and resources that terrorist organizations frequent. Agency public affairs personnel should devise and implement a media campaign to counter claims made by terrorist organizations, and promote the agencies' outreach policies, activities, and events that would appeal to the general public. The media campaign should also invite feedback and ideas from social media users so that they are engaged in CT and counter-radicalization efforts. Due to their significant influence on the public, national print, and television media should also be enrolled in CT and counter-radicalization

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<sup>203</sup> *Jihadist Sanctuaries in Syria and Iraq* (testimony of Seth G. Jones).

<sup>204</sup> *Ibid.*

campaigns. Federal, state, tribal, and local law enforcement and intelligence agencies must continue to monitor social networking and Internet sights to be current on who is being targeted for radicalization and what geographic areas are being targeted. Also, these sites can inform all users about who and what areas are most in danger of being targeted for attacks by terrorist groups.

## **B. THE IMPLEMENTATION OF THE RECOMMENDATIONS**

Many of the above recommendations can begin immediately, but not all are easily fulfilled. Several create challenges for the government as well as the general public. Primarily, the impacts of the above recommendations on the general public are the greatest concern. Specifically, sacrificing the protection of privacy and civil liberties and the safety of the American public may be an undesirable result.

With regard to privacy and civil liberties, the collection and analysis of intelligence and information sharing causes the greatest concern for civil rights groups. The American Civil Liberties Union has filed a lawsuit, *Gill v. Department of Justice*, questioning the legality of the Suspicious Activity Reporting program. In addition, it continues to implore Congress and the federal government to make changes to the National Network of Fusion Centers without endangering the country's security.<sup>205</sup> Recommendations include a comprehensive evaluation of these programs and ensuring some form of due process when collecting information on civilians.

The American public can continue to play a key role in implementing the anticipated recommendations listed above. The public has proven itself to be beneficial in foiling domestic terrorist plots and should become more engaged in the response to domestic terrorism. The public may satisfy this role by being observant and reporting suspicious behavior, and by interceding to stop a terrorist attack when the threat is imminent, the opportunity exists, and emergency personnel are not yet available to respond. However, both of these options are risky for civilians, who may have legitimate concerns about retaliation from subjects for which suspicious behavior has been reported, leading to an investigation; and their physical wellbeing when taking action in the midst

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<sup>205</sup> German, and Stanley, *What's Wrong with Fusion Centers?*

of volatile and dangerous situations. Ultimately, it depends on each individual's situation whether to act and/or respond to help prevent or interrupt domestic terrorism attacks.

The intention of this thesis is to draw attention to the evolving threat of domestic terrorism, encourage Congress, the Federal Bureau of Investigation, the Department of Homeland Security, fusion centers and local law enforcement to focus more on this threat and promote collaboration among these agencies and community engagement to address this threat. This can be accomplished with implementation of the above recommendations, the careful consideration of the challenges concerning the public's participation and risks, and production of additional comprehensive reports and studies on the domestic terrorist threat. Unlike the current situation of researchers and terrorism experts who are primarily studying and writing about the threat within the United States from Islamic extremists, future literature should focus on the threat from all extremist groups, Islamic and non-Islamic, and especially the lone wolf terrorist.

As recommended above, further research and comprehensive evaluations of both the National Network of Fusion Centers and the Nationwide Suspicious Activity Reporting Initiative are needed. There has not been a comprehensive study of the programs' successes and impacts in combating domestic terrorism. It is not known how often the current process produces leads and reports that initiate further investigations and, ultimately, disrupt terrorist plots. Is the information being collected significant? Is the information compiled, analyzed, and shared in the most efficient manner? Are the disseminated reports being used in the information-sharing environment as intended—to combat domestic terrorism?

The recommended changes proposed as a result of this research will influence future research efforts. Additional research will be necessary on the standardization of domestic intelligence agencies, including fusion centers, in terms of domestic terrorist threat intelligence requirements, collection methods, indicators, and warnings. Relative to intelligence collection, concerns about and possible solutions to violations of privacy rights and civil liberties must be further explored. Since lone wolf terrorists have been identified as the most successful and dangerous type of terrorist, what are the most effective methods for mitigating this threat? Also, best practices for how the public can

be more engaged in the war on domestic terror should be evaluated and implemented. Finally, as demonstrated in the statistics and incidents discussed in this thesis, there are many steps in the radicalization process and a nagging question concerning what is the driving force(s) that makes people shift from strong-minded activists to radicalized, violent extremists.

The proposed national CT doctrine should involve a long-term, multi-faceted approach to combating violent domestic extremists, homegrown violent extremism, and radicalization in the homeland. A *CBS News* poll, conducted in October 2014, showed that current anti-terrorism policies make the general public feel less safe now than in mid-2013.<sup>206</sup> In response to this concern, a multi-disciplinary working group should be established to implement the above recommended activities, culminating in a comprehensive national CT doctrine. As a result, the general public would realize a reduced threat environment and comfort in the return of this country's security and liberty.

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<sup>206</sup> "Terrorism," 2014, accessed November 19, 2014, <http://www.pollingreport.com/terror.htm>

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