

ESSAY

HOMELAND SECURITY TWENTY YEARS AFTER 9/11: ADDRESSING EVOLVING THREATS

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I. INTRODUCTION

For most of U.S. history, the concept of national security was synonymous with military and foreign affairs policy, both of which are within the jurisdiction of the federal government. The nation's security establishment focused almost exclusively on protecting against nation-state invasion or nation-state attack.¹

That made sense when two oceans sheltered the United States from most foreign threats, but technological changes in the twentieth century pierced the oceanic barriers. The development of military aircraft, long-range ballistic missiles, and biological weapons made the U.S. mainland vulnerable to large-scale threats without advance warning of a military buildup.² Nevertheless, the scientific complexity, massive expense, and expansive infrastructure necessary to weaponize the new technologies made them the province of nation-states. As a result, from roughly the end of World War II until 1991, U.S. national security centered on nation-state-sponsored threats—particularly the threat of a Soviet state-sponsored nuclear strike³—which allowed security officials to focus resources on gather-

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¹ See NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., *THE 9/11 COMMISSION REPORT: FINAL REPORT OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES* 350–52 (2004) [hereinafter *9/11 COMMISSION REPORT*]; KUNIHARU KAKIHARA, *THE POST-9/11 PARADIGM SHIFT AND ITS EFFECTS ON EAST ASIA*, 2–3 (2003).

² DENNIS M. DREW & DONALD M. SNOW, *MAKING TWENTY-FIRST-CENTURY STRATEGY AN INTRODUCTION TO MODERN NATIONAL SECURITY PROCESSES AND PROBLEMS* 6–10 (2006); Roger Roffey et al., *Biological Warfare in a Historical Perspective*, 8 *CLINICAL MICROBIOLOGY & INFECTION* 450, 450 (2002).

³ Charles Perrow, *The Disaster After 9/11: The Department of Homeland Security and the Intelligence Reorganization*, 2 *HOMELAND SEC. AFFS.* 1, 2–3 (2006).

ing information about and addressing threats posed by a relatively defined universe of bad actors.

Despite terrorist attacks in the United States during the 1980s and 1990s and the fall of the Soviet Union, Cold War security paradigms remained deeply entrenched in the U.S. security establishment until September 11, 2001.⁴ Nineteen al-Qaeda terrorists hijacked four commercial jets, crashing three of them into the World Trade Center's Twin Towers in New York and the Pentagon, respectively. The fourth plane was headed toward the U.S. Capitol, but brave passengers force-crashed it into a remote area of Pennsylvania. Nearly 3,000 people died during the attacks.⁵

In the immediate aftermath of the 9/11 attacks, the federal government moved swiftly to adapt to the new threat: non-state terrorism. Within eighteen months, the federal security apparatus had been overhauled to focus on counterterrorism. This Essay explores the creation of the homeland security bureaucracy following the 9/11 attacks, examines how threats to U.S. security have evolved over the past twenty years, and urges reforms to counter today's threats—and threats that likely will emerge in the future.

In Part II, we detail how the 9/11 attacks forced the federal government to engage in rapid restructuring to protect the nation from terrorist attacks. The creation of the Department of Homeland Security was intended to streamline federal efforts to prevent, mitigate, and respond to national emergencies, but its broad jurisdiction and executive agency turf wars were stumbling blocks during some of the crises that followed 9/11. Part III explores homeland security threats from domestic terrorists, mass shooters, and emerging infectious diseases. Foreign, non-state extremism no longer is the greatest threat to homeland security. Domestic threats, particularly from anti-government extremists and white supremacists, pose the greatest terrorist threat to the United States today. Moreover, emerging infectious diseases like COVID-19 not only threaten human life but also fuel extremism. Part IV posits that rapid changes to information technology—namely the internet, social media, and online algorithms—are exacerbating security threats. At Part V, we suggest reforms that could help mitigate the evolving risks that have emerged since the 9/11 terrorist attacks.

II. HOMELAND SECURITY IN THE WAKE OF THE 9/11 ATTACKS: CAN ONE AGENCY DO IT ALL?

Whether or not the 9/11 attacks demonstrated a failure of the national security and intelligence apparatuses,⁶ the attacks shook the foundation of democratic government, a primary function of which is to protect people.

⁴ 9/11 COMMISSION REPORT, *supra* note 1, at 87, 91–92, 350–52.

⁵ Peter L. Bergen et al., *September 11 Attacks*, ENCYC. BRITANNICA (Sept. 10, 2020), <https://www.britannica.com/event/September-11-attacks> [<https://perma.cc/LN4X-VJQN>].

⁶ See generally AMY ZEGART, *SPYING BLIND: THE CIA, THE FBI, AND THE ORIGINS OF 9/11* (2007) (discussing intelligence institutions during the lead up to 9/11).

The American people demanded the federal government demonstrate its resolve to prevent future terrorist attacks. This new security mission became known by the term “homeland security” as “a reference to American efforts at combating terrorism.”⁷

Less than a month after the 9/11 attacks, President George W. Bush and Congress embarked on what would become the largest reorganization of federal government since the creation of the U.S. Department of Defense in 1947.⁸ On October 8, 2001, President Bush established an Office of Homeland Security (“OHS”) within the Executive Office of the President.⁹ Though there was no government-wide definition of homeland security,¹⁰ OHS’s purpose was “to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks.”¹¹ It had a broad mandate to develop a national strategy on terrorism: detecting and preventing terrorist attacks, coordinating response and recovery strategies, and developing legislative proposals when necessary.¹²

To carry out its mandate, OHS was tasked with, among other things, “coordinat[ing] and prioritiz[ing] the requirements for foreign intelligence relating to terrorism within the United States,” as well as working with agencies in charge of immigration and border security to “ensure coordination among such agencies to prevent the entry of terrorists and terrorist materials and supplies into the United States and facilitate removal of such terrorists from the United States.”¹³ President Bush also created a Homeland Security Council to parallel OHS and function as a counterterrorism counterpart to the National Security Council.¹⁴ From the start, homeland security was designed to address an immediate threat: terrorism “within the United States.”¹⁵ More specifically, homeland security centered on the threat of terrorism with a foreign nexus.¹⁶

⁷ HAROLD C. RELYEA, CONG. RSCH. SERV., RL31493, *HOMELAND SECURITY: DEPARTMENT ORGANIZATION AND MANAGEMENT 1* (2002).

⁸ Paul C. Light, *A Hollow Tribute; The Creation of the Homeland Security Department, Government’s Largest Reorganization Since the Truman Days, Likely Will Be the Most Difficult to Manage*, BROOKINGS INST. (Aug. 1, 2002), <https://www.brookings.edu/opinions/a-hollow-tribute-the-creation-of-the-homeland-security-department-governments-largest-reorganization-since-the-truman-days-likely-will-be-the-most-difficult-to-manage/> [https://perma.cc/4JSQ-9C6G].

⁹ Exec. Order No. 13,228, 3 C.F.R. §§ 51812–17 (2001).

¹⁰ RENSSELEAR LEE, CONG. RSCH. SERV., RL31421, *HOMELAND SECURITY: ISSUES AND OPTIONS 8* (2002).

¹¹ Exec. Order No. 13,228, 3 C.F.R. § 51812 (2001).

¹² Exec. Order No. 13,223, 3 C.F.R. § 48201 (2001).

¹³ Exec. Order No. 13,228, 3 C.F.R. § 51812 (2001).

¹⁴ Steven E. Miller, *After the 9/11 Disaster: Washington’s Struggle to Improve Homeland Security*, 2 AXESS 8, 8–11 (2003).

¹⁵ Exec. Order No. 13,228, 3 C.F.R. §§ 51812, 51813 (2001).

¹⁶ *See, e.g.*, Exec. Order No. 13,228, 3 C.F.R. § 51812 (2001) (“coordinate and prioritize the requirements for foreign intelligence relating to terrorism within the United States of executive departments and agencies responsible for homeland security”); PRESIDENT GEORGE W. BUSH, *SECURING THE HOMELAND STRENGTHENING THE NATION 2–4* (2002), <https://ge->

Despite its broad mandate and the critical need for streamlined counterterrorism efforts at the highest level of government, OHS got off to a rocky start. President Bush named former Pennsylvania Governor Tom Ridge to lead the office, but Ridge had no agency to lead, no budget of his own, and little power to carry out OHS's mission. OHS's power was merely persuasive, relying on the relationship and proximity between its Director and the President¹⁷—and the President would have to be a strong advocate for OHS proposals in order to overcome bureaucratic turf wars.¹⁸

Some lawmakers, not convinced by OHS's reliance on the President's authority, proposed statutory mandates to strengthen the OHS counterterrorism mission.¹⁹ Other lawmakers favored the creation of a federal department whose budget and mission would be controlled by Congress.²⁰ Shortly after President Bush appointed Ridge as OHS Director, Senator Joseph Lieberman, the chairman of the Senate Committee on Governmental Affairs, described homeland security as “the most important responsibility the federal government will have in the near future” and decried the executive-only approach as “giv[ing] Mr. Ridge less power in this office than he has as the governor of Pennsylvania.”²¹ Following Ridge's appointment, Senator Lieberman introduced S. 1534, a bill to create a U.S. Department of Homeland Security to be led by a Senate-confirmed Secretary and with a congressionally defined counterterrorism mission.²²

Despite early successes, such as identifying budget priorities and negotiating a border agreement with Canada, OHS was undermined by opposition from within the executive branch. Ridge had no statutory authority to implement OHS proposals, such as consolidating border protection, immigration, and customs into one agency.²³ Without statutory authority, OHS faced pushback from departments that would have to cede some of their bureaucratic territory for OHS proposals to be implemented.

orgewbush-whitehouse.archives.gov/homeland/homeland_security_book.html [https://perma.cc/77C3-DBDX] (“The most urgent terrorist threat to America is the Al Qaeda network. . . . The Government of the United States has no more important mission than fighting terrorism overseas and securing the homeland from future terrorist attacks.”).

¹⁷ See Elizabeth Becker & Elaine Sciolino, *A Nation Challenged: Homeland Security*, N.Y. TIMES (Oct. 9, 2011), <https://www.nytimes.com/2001/10/09/us/nation-challenged-homeland-security-new-federal-office-opens-amid-concern-that.html> [https://perma.cc/VFL9-TGT8].

¹⁸ Perrow, *supra* note 3, at 5.

¹⁹ See, e.g., S. 1449, 107th Cong. (2001) (creating a statutory White House office for combating terrorism); National Homeland Security Agency Act of 2002, H.R. 1158, 107th Cong.; Preparedness Against Terrorism Act of 2002, H.R. 525, 107th Cong.

²⁰ See S. 1534, 107th Cong. (2001).

²¹ Sarah Lueck & Yochi J. Dreazen, *Rifts Begin to Open Up Between Lawmakers Over Powers of Counterterrorism Czar Ridge*, WALL ST. J. (Oct. 5, 2002, 12:01 AM), <https://www.wsj.com/articles/SB1002229867654669760> [https://perma.cc/9MW2-8TPQ].

²² Department of National Homeland Security Act of 2001, S. 1534, 107th Cong.

²³ Eric Pianin & Bill Miller, *For Ridge, Ambition and Realities Clash*, WASH. POST (Jan. 23, 2002), <https://www.washingtonpost.com/archive/politics/2002/01/23/for-ridge-ambition-and-realities-clash/d8fc4361-f678-4f58-977c-dd61b86422eb/> [https://perma.cc/HM9E-Z8AY].

Seven months after the 9/11 terrorist attacks and six months after President Bush appointed Ridge, OHS still had not produced a national homeland security plan, which was at the heart of its mission statement.²⁴ Around the same time, Democrats and Republicans in Congress requested that Ridge testify about OHS's performance and President Bush's homeland security budget request.²⁵ Ridge refused to testify, claiming his role was merely advisory to the President, which was met with bipartisan disapproval over Ridge's refusal and concern over the balance of power between Congress and the White House on matters of homeland security.²⁶

Each of these controversies over OHS's authority fueled congressional calls for the creation of a homeland security authority whose leader would be required to appear before Congress.²⁷ In June 2002, President Bush announced his proposal to create a federal Department of Homeland Security, then submitted a legislative proposal to Congress. Representative Richard Armey introduced President Bush's legislation as H.R. 2002, the Homeland Security Act of 2002.

In November 2001, President Bush signed the Homeland Security Act into law and nominated Ridge as its inaugural Secretary. Among other things, the new law folded twenty-two existing federal agencies and bureaus into a sprawling new cabinet-level department, giving it the statutory gravitas OHS had lacked. At the time of its creation, the U.S. Department of Homeland Security ("DHS") was second in size only to the U.S. Department of Defense.²⁸ Its statutory mission was straightforward:

[T]o provide for the security of the American people, territory, and sovereignty within the United States[,] . . . unit[e], under a single department those elements within the government whose primary responsibility is to secure the United States homeland[,] . . . prevent[] terrorist attacks within the United States, reduce[e] the United States' vulnerability to terrorism, minimize[e] the damages from attacks, and assist[] in recovery from any attacks, should they occur.²⁹

²⁴ Lee, *supra* note 10, at 4.

²⁵ Alison Mitchell, *A Nation Challenged: Congressional Hearings; Letter to Ridge is Latest Jab in Fight Over Balance of Powers*, N.Y. TIMES (Mar. 5, 2002), <https://www.nytimes.com/2002/03/05/us/nation-challenged-congressional-hearings-letter-ridge-latest-jab-fight-over.html> [<https://perma.cc/CJH3-JJSR>].

²⁶ *Id.*

²⁷ Elizabeth Becker, *Big Visions for Security Post Shrink Amid Political Drama*, N.Y. TIMES (May 3, 2002), <https://www.nytimes.com/2002/05/03/us/big-visions-for-security-post-shrink-amid-political-drama.html> [<https://perma.cc/S42B-N6AB>].

²⁸ Miller, *supra* note 14.

²⁹ H.R. REP. NO. 107-609, at 63 (2002), *as reprinted in* 2002 U.S.C.C.A.N. 1352, 1352-53.

Through the new DHS, President Bush and Congress aimed to establish “clear lines of responsibility and the unified effort of the U.S. government” with regard to counterterrorism.³⁰

Although DHS would have broad jurisdiction over immigration, customs, border protection, emergency management, transportation security, critical infrastructure, public health emergency preparedness, the National Strategic Stockpile, the Secret Service, and more, its counterterrorism mission was narrowly focused on terrorism emanating from abroad. For example, DHS’s jurisdiction over borders stemmed from lawmakers’ view that the U.S. borders provided “a conduit for terrorists.”³¹ The transfer of agricultural inspections at the border from the Department of Agriculture to DHS was intended to “provide[] DHS with the capability to recognize and prevent the entry of organisms that may be used for agroterrorism.”³² Folding the Federal Emergency Management Agency (“FEMA”) into DHS gave the Department capabilities “for providing emergency response to terrorist attacks, including managing the response, coordinating federal response resources, and aiding recovery.”³³

The Homeland Security Act gave the President sixty days to submit a reorganization plan for transferring authorities and streamlining federal agencies in accordance with the new law.³⁴ On November 25, 2002, the day he signed the bill into law, President Bush submitted a reorganization plan that would formally establish DHS on January 24, 2003, with many existing federal agencies transferring to DHS jurisdiction on the same day.³⁵ Less than a week after DHS came into being, President Bush modified the reorganization plan to create the Bureau of Immigration and Customs Enforcement from portions of the former Immigration and Naturalization Service, Customs Service, and Federal Protective Service, as well as to rebrand the former Customs Service as the Bureau of Customs, giving it the border and entry jurisdiction of the Customs Service, inspection and border patrol powers from the Immigration and Naturalization Service, and the Department of Agriculture’s animal and plant inspection jurisdiction.³⁶ At the time, critics

³⁰ President George W. Bush, Remarks by the President in Address to the Nation (June 6, 2002) (transcript available at <https://georgewbush-whitehouse.archives.gov/news/releases/2002/06/20020606-8.html> [<https://perma.cc/7JFU-QDSC>]); see also H.R. REP. NO. 107-609, at 63 (2002), as reprinted in 2002 U.S.C.C.A.N. 1352, 1352–53.

³¹ BUSH, *supra* note 16, at 16.

³² U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-05-214, HOMELAND SECURITY: MUCH IS BEING DONE TO PROTECT AGRICULTURE FROM A TERRORIST ATTACK, BUT MORE IMPORTANT CHALLENGES REMAIN 14 (2005).

³³ *Id.*

³⁴ 6 U.S.C. § 542.

³⁵ *Reorganization Plan for the Department of Homeland Security*, H.R. DOC. NO. 108-16, at 1, 3 (2003); see also HAROLD C. RELYEA, CONG. RSCH. SERV., RL31751, HOMELAND SECURITY: DEPARTMENT ORGANIZATION AND MANAGEMENT — IMPLEMENTATION PHASE 5–6 (2005).

³⁶ *Reorganization Plan Modification for the Department of Homeland Security*, H.R. DOC. NO. 108-32, at 1, 3–6 (2003).

warned that the agencies' broader missions—such as protecting the nation's food supply from disease or responding to disasters—could be imperiled by DHS's narrow focus on counterterrorism.³⁷

Although the twenty-year history of DHS has been marked by many successes, its mission has often drifted from crisis to crisis—preparing for past wars as new ones brewed. For example, DHS was caught flat-footed during its first major test: responding to Hurricane Katrina, which struck the Gulf Coast, flooding much of New Orleans and killing more than 1,800 people. DHS's disastrous performance during Hurricane Katrina came just four years after the 9/11 attacks, raising serious doubts about the Department's preparedness for another large-scale terrorist attack and calling into question whether critics had been right when they warned that constituent agencies' primary functions, such as the FEMA's role in natural disaster response and recovery, would be subsumed by DHS's counterterrorism mission.³⁸

Following Hurricane Katrina, then-DHS Secretary Michael Chertoff reorganized the Department to elevate FEMA's Director to the DHS Assistant Secretary level. Congress then changed the role of FEMA Director to FEMA Administrator, reporting directly to the DHS Secretary,³⁹ made FEMA a "distinct entity" that cannot be reorganized without congressional approval,⁴⁰ and designated the FEMA Administrator as the President's principal emergency management advisor.⁴¹

In the years since 9/11 and Hurricane Katrina, DHS has become a \$50 billion organization⁴² and the nation's largest federal law enforcement agency,⁴³ employing more than 60,000 law enforcement officers.⁴⁴ One national security expert notes that DHS's "activities have grown in parallel, so that they are now substantially out of sync with its statutory mandate. For

³⁷ See, e.g., JEAN M. RAWSON, CONG. RSCH. SERV., RL31466, HOMELAND SECURITY DEPARTMENT: U.S. DEPARTMENT OF AGRICULTURE ISSUES 6 (2002) ("On June 20, 2002, more than 40 U.S. farm groups sent a letter to the White House and to Congress expressing specific concerns about how APHIS's non-border functions would be handled were they part of a new department of homeland security."); Walter Pincus, *FEMA's Influence May Be Cut Under New Department*, WASH. POST (July 24, 2002) <https://www.washingtonpost.com/archive/politics/2002/07/24/femas-influence-may-be-cut-under-new-department/a6bcb01b-5cdc-4741-b0bb-97cc5e50aef2/> [<https://perma.cc/ZBB4-TN7S>]; Charles R. Wise, *Organizing for Homeland Security After Katrina*, 66 PUB. ADMIN. REV. 302, 302, 306 (2006).

³⁸ Wise, *supra* note 37 at 306–07.

³⁹ Department of Homeland Security Appropriations Act, Pub. L. No. 109-295, § 503(c), 120 Stat. 1355, 1377 (2006).

⁴⁰ *Id.* § 506.

⁴¹ *Id.* § 503(c).

⁴² See DEPT. OF HOMELAND SEC., BUDGET-IN-BRIEF: FISCAL YEAR 2021 1, https://www.dhs.gov/sites/default/files/publications/fy_2021_dhs_bib_0.pdf [<https://perma.cc/NWA2-TTPE>].

⁴³ See Carrie Cordero, *Department of Homeland Security Law Enforcement Agencies Require Expanded Oversight*, LAWFARE (June 3, 2020, 1:45 PM), <https://www.lawfareblog.com/department-homeland-security-law-enforcement-agencies-require-expanded-oversight> [<https://perma.cc/QE6D-Q5UF>].

⁴⁴ See Acting Secretary Chad Wolf (@DHS_Wolf), TWITTER (Jan. 9, 2020, 10:28 PM), https://twitter.com/DHS_Wolf/status/1215475572345688064 [<https://perma.cc/R3Q4-8NFA>].

instance, Homeland Security Investigations, a component of Immigration and Customs Enforcement (“ICE”), claims the authority to investigate literally any federal crime.”⁴⁵ At the same time, a 2012 bipartisan Senate investigation found that DHS’s work with state and local fusion centers “has not produced useful intelligence to support Federal counterterrorism efforts.”⁴⁶

The 9/11 attacks led to the largest federal government restructuring since the end of World War II, but the one-size-fits-all approach to homeland security has created a department in which “everything is always a priority,”⁴⁷ meaning nothing is. The result of DHS’s reluctance to prioritize risks has been that “decisions . . . get made ad hoc and out of the limelight, typically based more on what’s ‘hot’ or on what’s a political priority than on what the evidence might dictate.”⁴⁸ DHS is supposed to be adaptive, with clear responsibilities, but when the adrenaline wore off after the 9/11 attacks and DHS got up and running, bureaucratic inertia set in. Stopgap measures became permanent.⁴⁹ The Department has suffered from the lack of mission clarity, so, despite evolving threats to homeland security, DHS tends to focus on the areas where its mission and jurisdiction are clearest: enforcing immigration and securing borders. But evolving threats require evolving approaches. One size does not fit all when it comes to protecting the American people.

III. ARE DOMESTIC THREATS EVOLVING FASTER THAN SECURITY POLICY?

The security landscape in the United States has changed since September 11, 2001, making national security and homeland security policy increasingly complex. Domestic terrorism is now the greatest security threat to the United States, not foreign non-state terrorism.⁵⁰ While domestic terrorism is not new, it has become less ideologically rigid, more adaptable, and more dangerous. Mass shootings have increased in frequency and lethality, and

⁴⁵ Elizabeth Goitein & Carrie Cordero, *The Department of Homeland Security Needs Long Overdue Oversight*, BRENNAN CTR. FOR JUST. (July 30, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/department-homeland-security-needs-long-overdue-oversight> [<https://perma.cc/J2EB-D7MT>].

⁴⁶ STAFF OF S. PERMANENT SUBCOMM. ON INVESTIGATIONS, 112TH CONG., REP. ON FEDERAL SUPPORT FOR AND INVOLVEMENT IN STATE AND LOCAL FUSION CENTERS I (Comm. Print 2012).

⁴⁷ Steven Brill, *Is America Any Safer?*, ATLANTIC (Sept. 2016), <https://www.theatlantic.com/magazine/archive/2016/09/are-we-any-safer/492761/> [<https://perma.cc/Z28J-VBKA>].

⁴⁸ *Id.*

⁴⁹ See, e.g., *id.* (describing implementation of BioWatch program to monitor air for aerosolized attacks, the program’s substandard performance, and delays replacing program).

⁵⁰ Seth G. Jones et al., *The War Comes Home: The Evolution of Domestic Terrorism in the United States*, CTR. FOR STRATEGIC & INT’L STUD. (Oct. 22, 2020), <https://www.csis.org/analysis/war-comes-home-evolution-domestic-terrorism-united-states> [<https://perma.cc/H4DE-7FKQ>].

many have connections to extremist ideologies. And the COVID-19 pandemic has exposed gaps in U.S. security capabilities.

In a February 2020 congressional hearing on domestic terrorism, then-Assistant Secretary of Homeland Security for Threat Prevention and Security Policy, Elizabeth Neumann, warned,

The National security apparatus is designed for a threat from 20, 30 years ago, and the world is changing. [Counterterrorism officials say it] feels like we are at the doorstep of another 9/11, maybe not something that catastrophic in terms of the visual or the numbers, but that we can see it building and we don't quite know how to stop it.⁵¹

A month later, the United States faced its most crucial security test since Hurricane Katrina—the outbreak of a naturally occurring, highly contagious, deadly virus. Ten months after that, domestic terrorists attacked the U.S. Capitol, breaching the center of the Constitution's first branch of government for the first time since the War of 1812. Both episodes illustrate evolving threats that are neither independent nor transient, and homeland security is struggling to keep up.

A. *Domestic Extremists Converge*

Though domestic terrorism can take many forms—mass shootings, attempted sabotage, and violent attacks on government buildings are recent examples—terrorism begins with indoctrination into extremist ideology.⁵² Extremist ideology sometimes results in criminal acts, and those acts often appear isolated when they are actually connected by underlying philosophies. Among the most troubling domestic extremist ideologies linked to violence today are white supremacy and anti-government extremism. People who subscribe to one or both ideologies recently have been implicated in murder, attempted kidnapping, and terrorism. And on January 6, 2021, the two threats converged at the U.S. Capitol in an act of domestic terror to stop Congress and the Vice President of the United States from carrying out a constitutional duty.

White supremacy is an umbrella term that encompasses various belief systems based on, but deeper than, racism or bigotry. White supremacists include people who believe that white people should dominate non-white people, the United States should be a whites-only nation, white people have

⁵¹ *Confronting the Rise in Anti-Semitic Domestic Terrorism, Part II: Hearing Before the Subcomm. on Intel. and Counterterrorism of the Comm. on Homeland Sec.*, 116th Cong. 34 (2020) (statement of Elizabeth Neumann, Assistant Secretary, Threat Prevention and Security Policy, Office of Strategy, Policy, and Plans, Department of Homeland Security).

⁵² See UNITED NATIONS OFF. ON DRUGS AND CRIME, *THE USE OF THE INTERNET FOR TERRORIST PURPOSES* 6 (2012), https://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf [<https://perma.cc/TE3B-USQ6>].

a shared culture that is superior to non-white cultures, genetics makes white people superior to others, or a combination of these beliefs.⁵³ According to the Anti-Defamation League, white supremacists in the United States commonly believe “the white race is in danger of extinction due to a rising ‘flood’ of non-whites, who are controlled and manipulated by Jews, and that imminent action is need to ‘save’ the white race.”⁵⁴

Anti-government extremism similarly includes various belief systems. Some anti-government extremists believe the Articles of Confederation or Constitution grant them individual sovereignty, making them outside the authority of government. Others believe the U.S. government is tyrannical, that its laws violate liberty, and that citizens should make paramilitary and survival preparations for an inevitable revolution against government.⁵⁵ Some anti-government extremist groups actively recruit police into their ranks;⁵⁶ others consider the police enemies to liberty. The core philosophy underlying anti-government extremism is that government in the United States “is illegitimate and must be resisted by any means necessary.”⁵⁷

These two veins of domestic extremism are heterogeneous ideologies adhered to by organized groups and loosely affiliated individuals, which leads to blurry ideological lines. Recently two groups that have risen to prominence in the public consciousness—Proud Boys and Oath Keepers—illustrate the divergence between anti-government and white supremacist ideologies, but the boogaloo movement, discussed below, illustrates how extremist ideologies overlap when their objectives align.

Proud Boys is a self-described “Western Chauvinists” organization that claims, “We do not discriminate based upon race or sexual orientation/preference,”⁵⁸ but, as Princeton University Professor Omar Wasow, a U.S. race and politics expert, noted, “White supremacy is not just for white people anymore. You can invite anybody into this ideology and different individuals are motivated by different things.”⁵⁹ Proud Boys exhibits the traits of a white supremacist organization. Its members, organized into forty-four chap-

⁵³ *Glossary Terms: White Supremacy*, ANTI-DEFAMATION LEAGUE, <https://www.adl.org/resources/glossary-terms/white-supremacy> [https://perma.cc/7ELC-5Q7F].

⁵⁴ *Id.*

⁵⁵ See Sam Jackson, ‘We Are Patriots:’ Uses of National History in Legitimizing Extremism, EUROPEANOW (Oct. 2, 2018), <https://www.europenowjournal.org/2018/10/01/we-are-patriots-uses-of-national-history-in-legitimizing-extremism/> [https://perma.cc/334G-4PEJ].

⁵⁶ Madelyn Beck, *The Oath Keepers: A Look at the Anti-Government Group Born in the Mountain West*, KUNC (Feb. 8, 2021, 8:35 AM), <https://www.kunc.org/news/2021-02-08/the-oath-keepers-a-look-at-the-anti-government-group-born-in-the-mountain-west> [https://perma.cc/DKW5-8V37].

⁵⁷ SAM JACKSON, INT’L CTR. FOR COUNTER-TERRORISM, A SCHEMA OF RIGHT-WING EXTREMISM IN THE UNITED STATES 7 (2019), <https://icct.nl/app/uploads/2019/11/ASchemaofRWEXSamJackson-1.pdf> [https://perma.cc/JV5L-6Q79].

⁵⁸ *Proud Boys: Who Are They?*, PROUD BOY MAG. (Aug. 24, 2017, 7:15 AM), <https://web.archive.org/web/20200315072009/https://officialproudboys.com/proud-boys/whoarethe-proudboys>.

⁵⁹ Tarisai Ngangura, “White Supremacy is Not Just for White People”: Trumpism, The Proud Boys, and the Extremist Allure for People of Color, VANITY FAIR (Feb. 2, 2021), <https://>

ters,⁶⁰ “regularly spout white nationalist memes and maintain affiliation with known extremists,” “are known for anti-Muslim and misogynistic rhetoric,” and “have appeared alongside other hate groups at extremist gatherings such as the ‘Unite the Right’ rally in Charlottesville, Virginia.”⁶¹ That deadly rally was organized by a former Proud Boys member and united white supremacists from across the country.⁶² Despite its protestations that it is not a white supremacist organization, law enforcement groups have concluded that Proud Boys is a white supremacist group, alongside neo-Nazis and skinheads.⁶³

Oath Keepers is an anti-government extremist group “organized around th[e] perception that the federal government is increasingly tyrannical, and that federal government posed the greatest threat to everyday Americans,” according to Sam Jackson, a University at Albany professor whose book, *Oath Keepers*, investigates the organization.⁶⁴ Like the Proud Boys, Oath Keepers has a loose hierarchical structure. It emerged as an organization in 2009, adopting as its namesake the oath of office taken by police and military—“support and defend the Constitution of the United States against all enemies, foreign and domestic”⁶⁵—and recruiting police and military members to its ranks.⁶⁶ Oath Keepers holds itself out as a race-neutral organization that supports civil liberties. Its leader denies that the organization is racist or white supremacist, though the group’s members have “served as de facto security for neo-Confederate and alt-right groups.”⁶⁷ Oath Keepers has bylaws that reject members who have been associated with racist organizations⁶⁸ and publicizes its non-white members.⁶⁹ Some white supremacists

www.vanityfair.com/news/2021/02/trumpism-the-proud-boys-and-the-extremist-allure-for-people-of-color [https://perma.cc/26LS-YYYE].

⁶⁰ *Id.*

⁶¹ *Extremist Group Info: Proud Boys*, S. POVERTY L. CTR., <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys> [https://perma.cc/A9LS-HE2M].

⁶² *Id.* (“Former Proud Boys member Jason Kessler helped organize [the Unite the Right rally], which brought together a broad coalition of extremists including Neo-Nazis, anti-Semites, and militias. Kessler was expelled from the group after the violence and near-universal condemnation of Charlottesville rallygoers.”)

⁶³ See Jason Wilson, *Proud Boys are a Dangerous ‘White Supremacist’ Group Say US Agencies*, GUARDIAN (Oct. 1, 2020, 4:30 AM), <https://www.theguardian.com/world/2020/oct/01/proud-boys-white-supremacist-group-law-enforcement-agencies> [https://perma.cc/WXP2-RKWE] (describing a report by Colorado’s fusion center, which lists Proud Boys as a white supremacist group and analyzes white supremacist violence including actions by Proud Boys).

⁶⁴ Beck, *supra* note 56.

⁶⁵ See *Oaths of Enlistment and Oaths of Office*, U.S. ARMY CTR. OF MIL. HIST., <https://history.army.mil/html/faq/oaths.html> [https://perma.cc/8C68-2UCB].

⁶⁶ Beck, *supra* note 56.

⁶⁷ SAM JACKSON, OATH KEEPERS: PATRIOTISM AND THE EDGE OF VIOLENCE IN A RIGHT-WING ANTIGOVERNMENT GROUP 33–34 (2020).

⁶⁸ See *id.* at 33.

⁶⁹ Sam Jackson, *Don’t Assume the Militias at the Charlottesville Rally Were White Supremacists. This is What They Believe Now.*, WASH. POST (Sept. 8, 2017, 6:00 AM), <https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/08/remember-those-militias-at-the-charlottesville-unite-the-right-rally-heres-what-they-believe/> [https://perma.cc/VQQ4-5L28].

have even denounced Oath Keepers as not racist enough.⁷⁰ And Jackson, an expert on Oath Keepers and extremism, has explained that “antigovernment extremism—the category that Oath Keepers fits in best—isn’t inherently racist or nativist,” despite “substantial overlap” with forms of white supremacy.⁷¹

Despite their apparent differences, the decentralized nature of white supremacy and anti-government extremism has made the lines between the two not so clear cut. Even groups like Oath Keepers and Proud Boys are only loosely organized, with local chapters executing their own strategies. That decentralization is by design. It allows for people to select extremist ideologies that fit their own worldview, even if other members, adherents, or followers have beliefs that differ.⁷²

Without strict organizational hierarchies to issue ideological guidance, various forms of domestic extremism often get intermingled.⁷³ For example, some anti-government extremist groups do not advocate for war; some embrace the idea that civil war is necessary to restore liberty and officially reject racism within their membership; and some white supremacist groups believe a race war is necessary to establish white supremacy. Some supporters of a race war to advance white supremacy may identify with anti-government extremism; others may identify with white supremacy groups; and some may identify with and drift between both.⁷⁴ Moreover, anti-government extremists and white supremacists recently have integrated shared conspiracy theories about COVID-19 and government officials into their messaging, “coalescing [followers of formerly disparate domestic extremists] over social media into a ‘militia-sphere.’”⁷⁵ An FBI official has de-

⁷⁰ See Derek Hawkins, ‘Boomer Antifa’: White Supremacists Rip into Paramilitary Oath Keepers for Not Being Racist Enough, WASH. POST (June 16, 2017, 6:52 AM), <https://www.washingtonpost.com/news/morning-mix/wp/2017/06/16/boomer-antifa-white-supremacists-rip-into-paramilitary-oath-keepers-for-not-being-racist-enough/> [<https://perma.cc/J2X6-P4UA>] (describing white supremacists’ denunciations of Oath Keepers); Andrew Anglin, *Vicious, Freedom-Hating, Anti-Constitution Oath Keepers Might as Well be the Feds*, DAILY STORMER (June 14, 2017), <https://dailystormer.su/vicious-freedom-hating-anti-constitution-oath-keepers-might-as-well-be-the-feds/> [<https://perma.cc/BF9W-X9HP>] (describing Oath Keepers as a “multiculturalist terror group”).

⁷¹ Q&A Sam Jackson on Oath Keepers, COLUM. UNIV. PRESS BLOG (Sept. 13, 2020), <https://www.cupblog.org/2020/09/13/qa-sam-jackson-on-oath-keepers/> [<https://perma.cc/VY26-4RJ6>]. But see *Racism & Identity in the Patriot Movement*, RURAL ORG. PROJECT, <https://rop.org/uia/section-i/the-patriot-movement-historically-nationally/racism-identity-movement/> [<https://perma.cc/KJ6L-FQ3A>] (“Nonetheless, the [Oath Keepers] movement radiates an unspoken White nationalism.”).

⁷² See Kyler Ong, *Ideological Convergence in the Extreme Right*, 12 COUNTER TERRORIST TRENDS AND ANALYSES 1, 1–7 (2020).

⁷³ See *id.* at 1.

⁷⁴ See, e.g., Khrysgiana Pineda, *The Boogaloo Movement is Gaining Momentum. Who Are the Boogaloo ‘Bois’ and What Do They Want?*, USA TODAY (June 19, 2020, 3:10 PM), <https://www.usatoday.com/story/news/nation/2020/06/19/what-is-boogaloo-movement/3204899001/> [<https://perma.cc/QG2V-R2GS>].

⁷⁵ Ong, *supra* note 72, at 3.

scribed this convergence as “salad bar ideology,”⁷⁶ whereby people select “individual aspects of various beliefs that create some sort of common ground in their mind, supporting their interest in violence.”⁷⁷ Ideological convergence makes intelligence and homeland security’s counterterrorism mission difficult because “it confuses counterterrorism defenses, eroding predictability and challenging law enforcement and intelligence categorizations.”⁷⁸

The boogaloo movement, which has been implicated in some of the most high-profile domestic terrorism events of the past few years, exemplifies the convergence of anti-government extremism and white supremacy. Boogaloo adherents believe that government is tyrannical and a coming civil war (the “boogaloo”) is necessary to overthrow tyranny.⁷⁹ They want to restore constitutional liberties as they imagine the Founders envisioned them, such as unfettered gun rights.⁸⁰

Because boogaloo is a nebulous, unstructured movement, it serves as a connector between anti-government extremism and white supremacism. For white supremacists, boogaloo promises “a race war or a white revolution . . . [or] the violent collapse of modern society in order to bring about a new, white-dominated world.”⁸¹ For anti-government extremists, boogaloo signifies the uprising against tyrannical government and restoration of individual sovereignty. The boogaloo movement as a whole does not necessarily embrace a race war, but its vague philosophy that war is necessary to restore liberty provides as much space for white supremacists, like the Proud Boys, as it provides for anti-government extremists, like Oath Keepers. Its opposition to gun violence prevention laws appeals broadly to Second Amendment enthusiasts. And its ambiguous concept of liberty can appeal broadly to almost anyone.

Boogaloo rose to prominence in 2020 after its adherents engaged in violence across the country. Early on during the COVID-19 pandemic, boogaloo adherents quickly adapted their message with great success. The public health measures put into place by local, state, and federal officials were necessary to combat the deadly pandemic, but boogaloo adherents saw shut-

⁷⁶ Wash. Inst., *The Evolving and Persistent Terrorism Threat to the Homeland*, YouTube, at 15:13 (Nov. 19, 2019), <https://youtu.be/Jq3Py-h8oWk?t=913> [<https://perma.cc/6KLW-3YJA>].

⁷⁷ *Id.* at 15:40.

⁷⁸ Bruce Hoffman & Jacob Ware, *The Terrorist Threat from the Fractured Far Right*, LAWFARE (Nov. 1, 2020, 10:01 AM), <https://www.lawfareblog.com/terrorist-threat-fractured-far-right> [<https://perma.cc/5TBW-FBVQ>].

⁷⁹ See Lois Beckett, *White Supremacists or Anti-Police Libertarians? What We Know About the ‘Boogaloo’*, GUARDIAN (July 8, 2020, 2:44 PM), <https://www.theguardian.com/world/2020/jul/08/boogaloo-boys-movement-who-are-they-what-do-they-believe> [<https://perma.cc/F6ZS-LBEL>] (explaining the boogaloo movement’s intentions).

⁸⁰ *Id.*

⁸¹ *The Boogaloo: Extremists’ New Slang Term for a Coming Civil War* (Nov. 26, 2019), ANTI-DEFAMATION LEAGUE: BLOG, <https://www.adl.org/blog/the-boogaloo-extremists-new-slang-term-for-a-coming-civil-war> [<https://perma.cc/2RJH-2CNY>].

downs, mask requirements, and social distancing measures as justification for their beliefs and actions.⁸² Because nearly everyone in the country was affected by the public health measures, boogaloo's hazy warnings about government overreach resonated among people who might not otherwise have been sympathetic to its message, and the movement seized the moment to boost its appeal.

In late May 2020, boogaloo adherents who had met on social media planned and carried out an attack on Protective Security Officers at a federal courthouse in Oakland, California, according to a federal criminal complaint.⁸³ One of the boogaloo adherents, an active-duty Air Force sergeant, shot two officers, killing one and injuring the other. The accomplice he recruited on Facebook drove the vehicle from which the shooter launched his attack. According to police allegations, one of their goals was to "use" predominantly Black and African American people who were peacefully protesting nearby to "support [the boogaloo] cause"⁸⁴ and start a race war.⁸⁵

Days later, police arrested three boogaloo adherents in Nevada on terrorism charges. The three men arrested, each with U.S. military experience, were members of a boogaloo Facebook group. They used encrypted social media to plan an attack they hoped would create chaos and social disruption as a test run for civil war.⁸⁶ At the time of their arrest, the three boogaloo adherents were heavily armed with an AR-15, six magazines of ammunition, a shotgun, shotgun shells, a .45 caliber handgun, a tactical vest, and components needed to create improvised incendiary devices.⁸⁷

In October 2018, state and federal authorities arrested thirteen men, at least seven of them boogaloo adherents, for plotting to invade the Michigan state capitol and kidnap Governor Gretchen Whitmer.⁸⁸ According to law enforcement, the boogaloo adherents had organized into an anti-government militia group called the Wolverine Watchmen. The boogaloo adherents' plan to kidnap the governor and prosecute her in a kangaroo court coincided with

⁸² See Eric M. Swalwell & R. Kyle Alagood, *Biological Threats Are National Security Risks: Why COVID-19 Should Be a Wake Up Call for Policy Makers*, 77 WASH. & LEE L. REV. ONLINE 217, 241–42 (2021).

⁸³ Affidavit in Support of Criminal Complaint at ¶ 7, United States v. Carrillo, No. 20-CR-002865 (N.D. Cal. Nov. 11, 2020).

⁸⁴ *Id.*

⁸⁵ See Katie Shepherd, *An Officer Was Gunned Down. The Killer Was a 'Boogaloo Boy' Using Nearby Peaceful Protests as Cover, Feds Say*, WASH. POST (June 17, 2020, 9:47 AM), <https://www.washingtonpost.com/nation/2020/06/17/boogaloo-steven-carrillo/> [<https://perma.cc/KHK6-CVJ2>].

⁸⁶ Complaint at ¶¶ 8–9, United States v. Parshall, No. 2:20-mj-00456-BNW (D. Nev. 2020).

⁸⁷ *Id.* at ¶¶ 46–49.

⁸⁸ See Kelly Weill, *Sixteen 'Boogaloo' Followers Have Been Busted in 7 Days*, DAILY BEAST (Oct. 9, 2020, 4:48 PM), <https://www.thedailybeast.com/with-the-gov-gretchen-whitmer-busts-16-boogaloo-followers-have-been-busted-in-7-days> [<https://cc/6WQ7-LK6L>].

their threats to target police and use “violence to instigate a civil war leading to societal collapse.”⁸⁹

Then, on January 6, 2021, white supremacy, anti-government extremism, the boogaloo movement, and conspiracy theorists converged in Washington, D.C.⁹⁰ Drawn together by the stop-the-steal conspiracy theory, propagated by then-President Donald Trump and amplified by Russian operatives,⁹¹ domestic extremists coalesced and rallied across the United States in support of the “Big Lie” that massive voter fraud and Democratic rigging had stolen the 2020 presidential election from the incumbent.⁹² The Big Lie coalesced groups that had rarely cooperated in the past.⁹³ Although individuals—ranging from members of Oath Keepers and Proud Boys to boogaloo adherents to anti-vaxxers and Trump supporters swept up by the Big Lie—likely had different justifications for their actions, they shared a mutual reality shaped by conspiracy theories and polluted by misinformation. Together, they carried out a domestic terrorism attack on the United States Capitol,⁹⁴ marking the first time the center of U.S. government had been breached by hostile forces since the War of 1812. The attack did not succeed in sparking outright war, overthrowing government, or exposing non-existent electoral fraud, but it did succeed in stopping Congress from conducting constitutionally mandatory business—albeit temporarily. According to an expert at the Atlantic Council, the attack was “one of the most successful” ever launched by domestic extremists and “will be lionized and propagandized . . . likely for the next decade.”⁹⁵

B. *Lone Wolf Shooters Are Not Alone*

Violent domestic extremism is a threat to more than government and government officials. The ideologies of white supremacy and anti-government militancy, coupled with conspiracy theories, have had devastating effects in communities across the country—particularly when people with access to firearms both adopt and act on such ideologies. The United States suffers more gun violence than any other nation. Over the past ten years,

⁸⁹ Affidavit in Support of Complaint at ¶ 5, *State v. Musico*, No. 2003273FY-FY (Mich. Cir. Ct. 2020).

⁹⁰ Ted Hesson et al., *U.S. Capitol Siege Emboldens Motley Crew of Extremists*, REUTERS (Jan. 8, 2021, 4:58 PM), <https://www.reuters.com/article/usa-election-extremists/u-s-capitol-siege-emboldens-motley-crew-of-extremists-idUSL1N2JJ0A0> [<https://perma.cc/59WB-UKEU>].

⁹¹ See *infra* at Section III.C.

⁹² Hesson et al., *supra* note 90.

⁹³ *Id.*

⁹⁴ The authors do not use the term “domestic terrorism” lightly, but the January 6 attack meets the federal definitions of terrorism. See Lisa Sacco, CONG. RSCH. SERV., IN11573, DOMESTIC TERRORISM AND THE ATTACK ON THE U.S. CAPITOL (2021).

⁹⁵ Greg Sargent, *The Far-Right Trump Insurgency Just Scored a Huge Propaganda Coup*, WASH. POST (Jan. 8, 2021, 11:28 AM), <https://www.washingtonpost.com/opinions/2021/01/08/capitol-mob-far-right-trump-propaganda/> [<https://perma.cc/L3K7-JB4R>].

mass shootings have increased in frequency and lethality. In fact, half of all mass shootings in the country since 1966 have occurred since 2000.⁹⁶ There is a nexus between many of these mass shootings and domestic extremist ideology.

On the evening of June 17, 2015, a small prayer group gathered for Bible study at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, an historically African American church that traces its roots to secret worship meetings held before Black churches were legal in the state. At 8:06 PM, the dozen worshipers inside Emanuel AME welcomed into their church a twenty-one-year-old white man whom none knew. When the worshipers closed their eyes to pray at around 9:00 PM, the stranger pulled out a .45 caliber Glock handgun and murdered nine of them.⁹⁷ As the shooter was executing churchgoers, one of them asked, “Why are you doing this?,” to which a witness recalls the Charleston shooter responding, “I have to do this because y’all raping our women and taking over the world.”⁹⁸

News media covering the Charleston shooter’s trial described him as a “loner,”⁹⁹ and “lone wolf,”¹⁰⁰ but his violent white supremacy was not spontaneous. It began with his interest in the shooting of Trayvon Martin, an unarmed Black child in Florida whose killer escaped justice under a controversial “Stand Your Ground” law and became a martyr for white supremacists.

Google searches led the Charleston shooter down a path of disinformation and misinformation about crime statistics—particularly regarding violent stereotypes of Black men¹⁰¹—which he repeated during a confession

⁹⁶ James Densley & Jillian Peterson, *We Analyzed 53 Years of Mass Shooting Data. Attacks Aren’t Just Increasing, They’re Getting Deadlier*, L.A. TIMES (Sept. 1, 2019, 10:33 AM), <https://www.latimes.com/opinion/story/2019-09-01/mass-shooting-data-odessa-midland-increase> [<https://perma.cc/DR5M-A3LY>].

⁹⁷ See Associated Press, *Timeline of the Shooting at Emanuel AME Church in Charleston*, BOSTON GLOBE (Jan. 10, 2017, 11:34 PM), <https://www.bostonglobe.com/news/nation/2017/01/10/timeline-shooting-emanuel-ame-church-charleston/5ty2K0cAT2kcdRlWmJts8O/story.html> [<https://perma.cc/7KHU-4VGY>].

⁹⁸ Emily Shapiro, *Key Moments in Charleston Church Shooting Case as Dylann Roof Pleads Guilty to State Charges*, ABC NEWS (April 10, 2017, 3:48 PM), <https://abcnews.go.com/US/key-moments-charleston-church-shooting-case-dylann-roof/story?id=46701033> [<https://perma.cc/H3WK-DVUQ>].

⁹⁹ Erin Calabrese & Elisha Fieldstadt, *Charleston Church Shooter Dylann Roof Was Loner Caught in ‘Internet Evil’: Family*, NBC NEWS (June 20, 2015, 4:22 PM), <https://www.nbcnews.com/storyline-charleston-church-shooting/relatives-charleston-church-shooter-dylann-roof-describe-quiet-sweet-kid-n379071> [<https://perma.cc/Z7CE-VF6F>].

¹⁰⁰ Noah Bierman et al., *Charleston Shooting Suspect Dylann Roof Said to be ‘A Classic Lone Wolf’*, L.A. TIMES (June 20, 2015, 3:00 AM), <https://www.latimes.com/nation/la-na-charleston-lone-wolf-20150620-story.html> [<https://perma.cc/ZUR3-JPVD>].

¹⁰¹ Rebecca Hersher, *What Happened When Dylann Roof Asked Google for Information About Race?*, NPR (Jan. 10, 2017, 2:23 PM), <https://www.npr.org/sections/thetwo-way/2017/01/10/508363607/what-happened-when-dylann-roof-asked-google-for-information-about-race> [<https://perma.cc/S7WS-LF6W>].

video.¹⁰² According to University of Southern California communication professor Safiya Umoja Noble, searches for a “white nationalist red herring (‘black-on-white crime’) . . . [took the Charleston shooter] to white supremacist websites, which in turn [took] him down a racist rabbit hole of conspiracy and misinformation.”¹⁰³ There, he found a website for the Council of Conservative Citizens,¹⁰⁴ a white supremacist group carrying the torch of the White Citizens’ Councils that had terrorized Black people in the South decades before. The Council of Conservative Citizens’ website posted misleading or false stories painting a picture of an unjust war waged by Black Americans against defenseless white people.¹⁰⁵ Reviewing the Council of Conservative Citizens’ website and user comments makes clear that the propaganda with which the Charleston shooter engaged online was created by people with racist agendas,¹⁰⁶ and it included misinformation about Black criminality to perpetuate anti-Black violence.¹⁰⁷

The social and interactive nature of engagement with people and ideas does not disappear simply because that engagement occurs online. It was through the internet that the Charleston shooter learned he was not alone. He had internalized racist social cues during his upbringing, but through the internet, the Charleston shooter tapped into a network of white supremacists

¹⁰² *Dylann Roof Confession Video*, CNN (Dec. 10, 2016), <https://www.cnn.com/videos/justice/2016/12/10/dylann-roof-church-massacre-confession-ekr-orig-vstop.cnn> [<https://perma.cc/55P4-5TGU>].

¹⁰³ Sean Illing, *How Search Engines are Making Us More Racist*, Vox (Apr. 6, 2018, 8:24 AM), <https://www.vox.com/2018/4/3/17168256/google-racism-algorithms-technology> [<https://perma.cc/X3TN-JTSE>].

¹⁰⁴ *Council of Conservative Citizens*, S. POVERTY L. CTR., <https://www.splcenter.org/fighting-hate/extremist-files/group/council-conservative-citizens> [<https://perma.cc/H3E3-VQVU>].

¹⁰⁵ See, e.g., *The Tragic State of Whites in South Africa*, CONSERVATIVE-HEADLINES.COM, <https://web.archive.org/web/20150306201802/http://conservative-headlines.com/2015/03/the-tragic-state-of-whites-in-south-africa/>; *Fifteen New Black on White Murders*, CONSERVATIVE-HEADLINES.COM, <https://web.archive.org/web/20150519072243/http://conservative-headlines.com/2015/05/fifteen-new-black-on-white-murders/>.

¹⁰⁶ We reached this conclusion after reviewing the Council of Conservative Citizens’ website and user comments as they appeared around the time of the Charleston massacre. *Council of Conservative Citizens Homepage*, CONSERVATIVE-HEADLINES.COM, <http://conservative-headlines.com/> [<https://web.archive.org/web/20150314230430/http://conservative-headlines.com/>]. Moreover, the website’s statement of principles lays out a racist agenda with elements of white nationalism. For example, Principle 2 states, “We believe that the United States derives from and is an integral part of European civilization and the European people” and “should remain European in their composition and character,” but “massive immigration of non-European . . . peoples into the United States . . . threatens to transform our nation into a non-European majority.” Principle 8 states, “We support the cultural and national heritage of the United States and the race and civilization of which it is a part,” which is defined as “European” and support “expression and celebration of” only “legitimate” non-white cultures and ethnicities.). *Statement of Principles*, CONSERVATIVE-HEADLINES.COM, <http://conservative-headlines.com/introduction/statement-of-principles/> [<https://web.archive.org/web/20150513143631/http://conservative-headlines.com/introduction/statement-of-principles/>].

¹⁰⁷ Janelle Bouie, *The Deadly History of ‘They’re Raping Our Women,’* SLATE (June 18, 2015, 2:22 PM), <https://slate.com/news-and-politics/2015/06/the-deadly-history-of-theyre-raping-our-women-racists-have-long-defended-their-worst-crimes-in-the-name-of-defending-white-womens-honor.html> [<https://perma.cc/3A45-8T6B>].

whose ideology he adopted and acted upon. He had found a pack. His defense lawyer recognized as much, arguing in court, “Every bit of motivation came from things he saw on the internet. That’s it. . . . He is simply regurgitating, in whole paragraphs, slogans and facts—bits and pieces of facts that he downloaded from the internet directly into his brain.”¹⁰⁸

But the Charleston shooter did not just regurgitate white supremacist propaganda and misinformation. He took action in the real world—with deadly consequences. The Charleston shooter independently planned and carried out the massacre of Black Americans, but his actions were no more separable from the white supremacist pack he found online than if he had attended KKK rallies for months. Moreover, while the shooter’s trial did not detail his every online engagement, his long-term goal was to start a “race war,”¹⁰⁹ which has been a goal of some white supremacist groups for decades.¹¹⁰ The shooter’s specific goal, taken alongside his claim that Southern whites have a “superficial awareness” of racial issues before engaging, as he did, with white supremacist ideology online,¹¹¹ strongly suggests he was inspired by violent white supremacy groups.

Other mass shooters in recent years have adopted aspects of white supremacist or anti-government extremist ideology, with a dose of conspiracy theory tying the ideologies together. On the morning of October 27, 2018, a middle-aged white man armed with a Colt AR-15 semi-automatic assault-style rifle and three Glock .357 caliber semi-automatic handguns opened fire at the Tree of Life synagogue in Pittsburgh, Pennsylvania. Over the course of an hour, he stalked Tree of Life congregants and shot seventeen people—murdering eleven of them, all Jewish. He told police he committed mass murder because “*They’re* [Jewish people] committing genocide to *my* people,”¹¹² mirroring language commonly used by white supremacist groups.¹¹³

¹⁰⁸ See Hersher, *supra* note 101.

¹⁰⁹ Polly Mosendz, *Dylann Roof Confesses: Says He Wanted to Start ‘Race War,’* NEWSWEEK (June 19, 2015, 9:38 AM), <https://www.newsweek.com/dylann-roof-confesses-church-shooting-says-he-wanted-start-race-war-344797> [<https://perma.cc/JB43-QSM4>].

¹¹⁰ See *White Supremacists Embrace ‘Race War,’* ANTI-DEFAMATION LEAGUE: BLOG (Jan. 8, 2020), <https://www.adl.org/blog/white-supremacists-embrace-race-war> [<https://perma.cc/B9SL-ABYF>].

¹¹¹ See Sam Tyson, *Roof’s Manifesto Last Accessed on Dad’s Computer Hours Before Emanuel Shooting*, WCIV (Dec. 12, 2016) <https://abcnews4.com/news/emanuel-ame-shooting/prosecutors-to-wrap-up-case-against-dylann-roof-this-week> [<https://perma.cc/VZ95-SYWC>].

¹¹² Avi Selk et al., *‘They Showed His Photo, and My Stomach Just Dropped’: Neighbors Recall Synagogue Massacre Suspect as a Loner*, WASH. POST (Oct. 28, 2018, 9:35 PM) (emphasis added), <https://www.washingtonpost.com/nation/2018/10/28/victims-expected-be-named-after-killed-deadliest-attack-jews-us-history/> [<https://perma.cc/7XLW-7FYS>].

¹¹³ See Alex Amend, *Analyzing a Terrorist’s Social Media Manifesto: The Pittsburgh Synagogue Shooter’s Posts on Gab*, S. POVERTY L. CTR. (Oct. 28, 2018), <https://www.splcenter.org/hatewatch/2018/10/28/analyzing-terrorists-social-media-manifesto-pittsburgh-synagogue-shooters-posts-gab> [<https://perma.cc/VR9R-NYLC>].

The Pittsburgh killer regularly used social media to spread racism and antisemitism and to interact with white supremacists.¹¹⁴ Despite his trail of direct engagement with other white supremacists that, when taken together, suggest he might have been inspired by his social media interactions, the Pittsburgh killer was popularly labeled a “lone wolf” who “rarely hosted visitors but exchanged pleasantries” with neighbors.¹¹⁵

The Charleston and Pittsburgh massacres did not occur in a vacuum. They are only two of many mass shootings over the past decade that have had a nexus to domestic extremist ideologies.¹¹⁶ And they emboldened other extremists to engage in similar acts of violence,¹¹⁷ creating an interconnected web of domestic extremism that further eroded the mythology of the lone wolf extremist.

C. A Pandemic Exposes Security Vulnerabilities

The national security implications of environmental changes have been weighed by U.S. policy makers for decades. In a classified 1984 intelligence assessment, CIA analysts described how ecological changes around the world could cause political instability that undermines U.S. security alliances, regional conflicts that draw in the United States, and resource depletion that could impact the United States’ ability to maintain strong diplomatic relationships.¹¹⁸ In 1996, then-Secretary of State Warren Christopher warned that “[a]s we move to the 21st century, the nexus between security and the environment will become even more apparent.”¹¹⁹ Scientists recently have warned that environmental degradation, deforestation, urbanization, and other ecological changes “will increasingly provoke new dis-

¹¹⁴ See Alex Amend, *On Gab, Domestic Terrorist Robert Bowers Engaged with Several Influential Alt-Right Figures*, S. POVERTY L. CTR. (Nov. 1, 2018), <https://www.splcenter.org/hatewatch/2018/11/01/gab-domestic-terrorist-robert-bowers-engaged-several-influential-alt-right-figures> [<https://perma.cc/34C9-4DQ9>].

¹¹⁵ Amend, *supra* note 113.

¹¹⁶ See, e.g., Weiyi Cai et al., *White Extremist Ideology Drives Many Deadly Shootings*, N.Y. TIMES (Aug. 4, 2019), <https://www.nytimes.com/interactive/2019/08/04/us/white-extremist-active-shooter.html> [<https://perma.cc/9WGG-PUMU>] (listing mass shootings by perpetrators with ties to or affinities for white supremacist ideologies); ANTI-DEFAMATION LEAGUE, MURDER AND EXTREMISM IN THE UNITED STATES IN 2020 (2021), <https://www.adl.org/media/15825/download> [<https://perma.cc/7YDX-AT28>] (providing an overview of domestic extremist killings over time).

¹¹⁷ See Zack Beauchamp, *An Online Subculture Celebrating the Charleston Church Shooter Appears to be Inspiring Copycat Plots*, VOX (Feb. 7, 2019, 3:35 PM), <https://www.vox.com/policy-and-politics/2019/2/7/18215634/dylann-roof-charleston-church-shooter-bowl-gang> [<https://perma.cc/5T65-VKMT>].

¹¹⁸ CIA DIRECTORATE OF INTELLIGENCE, POPULATION, RESOURCES, AND POLITICS IN THE THIRD WORLD: THE LONG VIEW 22–23 (1984), https://www.cia.gov/readingroom/docs/DOC_0000848048.pdf [<https://perma.cc/K649-6W2Q>].

¹¹⁹ Paul L. Chrzanowski, et al., *Environmental Threats and National Security*, in ENVIRONMENTAL CHANGE AND SECURITY REPORT 226 (P.J. Simmons ed., 1997).

ease emergencies” like the COVID-19 pandemic,¹²⁰ which has killed more than half a million people in the United States in just one year.¹²¹

Commentators have described the COVID-19 pandemic as “this generation’s 9/11” not just because of the death toll but also because the disease has become a defining moment in history.¹²² It is also a defining moment for security policy—both homeland and national security.

On December 31, 2019, a report from the Wuhan Municipal Health Commission in China was issued regarding a cluster outbreak of pneumonia with an unknown etiology.¹²³ On January 12, 2020, researchers isolated a novel coronavirus, which was named SARS-CoV-2, as the cause of the outbreak. SARS-CoV-2 and the disease it caused, labeled as COVID-19, had spread throughout Southeast Asia and Europe. Public health experts then knew the disease had the potential to reach pandemic levels. On January 19, 2020, the United States confirmed its first case, and less than two weeks later, the U.S. Centers for Disease Control and Prevention (“CDC”) reported the first human-to-human COVID-19 transmission in the United States.¹²⁴ During that same timeframe—mid-January 2020—U.S. intelligence considered the disease to be a high enough threat to include COVID-19 in the President’s Daily Brief,¹²⁵ which summarizes for the President the nation’s greatest threats. By that time, however, it was too late, and over the next twelve months, the United States struggled to defend itself against the deadly virus. In 2020 alone, more than 318,000 people died from COVID-19 in the United States.¹²⁶ By mid-December 2020, the disease was killing more than 3,000 people per day.¹²⁷

It is not only the sheer, unforgivable death count that has seared COVID-19 into the nation’s collective memory. It is also the uprooting of

¹²⁰ *Id.*

¹²¹ See Jordan Allen et al., *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES (Mar. 27, 2021, 12:12 AM), <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> [<https://perma.cc/D7UA-ZJLP>].

¹²² Alexandra Stark, *COVID-19 Is This Generation’s 9/11. Let’s Make Sure We Apply the Right Lessons*, NEW AMERICA (Apr. 27, 2020), <https://www.newamerica.org/weekly/covis-generations-911-lets-make-sure-we-apply-the-right-lessons/> [<https://perma.cc/F3CQ-E3X5>].

¹²³ See *WHO Timeline - COVID-19*, WORLD HEALTH ORG., <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19> [<https://perma.cc/FQ2U-TDZ7>].

¹²⁴ See *A Timeline of COVID-19 Developments in 2020*, AM. J. MANAGED CARE (Jan. 1, 2021), <https://www.ajmc.com/view/a-timeline-of-covid19-developments-in-2020> [<https://perma.cc/6K37-BHMP>].

¹²⁵ See Greg Miller & Ellen Nakashima, *President’s Intelligence Briefing Book Repeatedly Cited Virus Threat*, WASH. POST (Apr. 27, 2020, 5:22 PM), https://www.washingtonpost.com/national-security/presidents-intelligence-briefing-book-repeatedly-cited-virus-threat/2020/04/27/ca66949a-8885-11ea-ac8a-fe9b8088e101_story.html [<https://perma.cc/VZU2-2ZS6>].

¹²⁶ Mike Stobbe, *US Deaths in 2020 Top 3 Million, By Far Most Ever Counted*, ASSOCIATED PRESS (Dec. 22, 2020), <https://apnews.com/article/us-coronavirus-deaths-top-3-million-e2bc856b6ec45563b84ee2e87ae8d5e7> [<https://perma.cc/XV6P-KUHZ>].

¹²⁷ Heather Hollingsworth, *One-Day US Deaths Top 3,000, More Than D-Day or 9/11*, U.S. NEWS & WORLD REP. (Dec. 10, 2020), <https://www.usnews.com/news/health-news/articles/2020-12-10/one-day-us-deaths-top-3-000-more-than-d-day-or-9-11> [<https://perma.cc/8XYV-VWNJ>].

daily lives that people will remember. To slow the disease's spread, states across the country shuttered all but the most essential businesses and discouraged public interactions. Much of the retail, food, and drink industries in the United States, which employ 26 million people, closed almost overnight.¹²⁸ Children suddenly found themselves in "Zoom school," rather than in the classroom with their teachers and peers.¹²⁹ The federal government, including Congress, began operating remotely.¹³⁰ This new normal—social distancing, remote working, masked interactions, and isolation—continued for more than a year, causing the nation to see a rise in anxiety and depression.¹³¹

If the primary goal of government security is to protect lives, then the government's failure to predict, prevent, and mitigate COVID-19 before half a million people died from the disease was a security failure. After all, the outbreak of a naturally occurring, highly transmissible, deadly virus was not an unpredictable threat. The U.S. security establishment was not without warning. For decades, experts had counseled that emerging infectious diseases, exacerbated by ecological change, could imperil security.¹³² Congress mandated that the executive branch develop a national plan to prevent, combat, and respond to disease emergencies, whether naturally occurring or manmade.¹³³ Further, the federal government issued a National Biodefense Strategy to plan for an outbreak like COVID-19, which, had it been implemented, could have mitigated the disease's threat to the nation.¹³⁴

COVID-19 brought into focus the fact that biological threats are national security threats and exposed security vulnerabilities that likely will be exacerbated by ecological changes. First, COVID-19 demonstrated that the United States is woefully unprepared to respond to a widespread public health emergency, making biological attacks more attractive to adversary

¹²⁸ See Rakesh Kochhar & Amanda Barroso, *Young Workers Likely to Be Hard Hit As COVID-19 Strikes a Blow to Restaurants and Other Service Sector Jobs*, PEW RSCH. CTR. (Mar. 27, 2020), <https://www.pewresearch.org/fact-tank/2020/03/27/young-workers-likely-to-be-hard-hit-as-covid-19-strikes-a-blow-to-restaurants-and-other-service-sector-jobs/> [https://perma.cc/GA3U-N3MC].

¹²⁹ See Daniel Dunford et al., *Coronavirus: The World in Lockdown in Maps and Charts*, BBC (Apr. 7, 2020), <https://www.bbc.com/news/world-52103747> [https://perma.cc/LUR5-MDDQ].

¹³⁰ See Marci Harris et al., *Congressional Modernization Jump-Started by COVID-19*, BROOKINGS INST.: TECHTANK BLOG (June 18, 2020), <https://www.brookings.edu/blog/techtank/2020/06/18/congressional-modernization-jump-started-by-covid-19/> [https://perma.cc/3S8T-77C7].

¹³¹ See Anita Raj et al., *Time from COVID-19 Shutdown, Gender-Based Violence Exposure, and Mental Health Outcomes Among a State Representative Sample of California Residents*, 26 ECLINICALMEDICINE 1, 4–7 (2020).

¹³² See, e.g., HEALTH & MED. DIV., NAT'L ACAD. OF SCI., ENG'G & MED., GLOBAL HEALTH AND THE FUTURE ROLE OF THE UNITED STATES 59 (2017), https://www.ncbi.nlm.nih.gov/books/NBK458474/pdf/Bookshelf_NBK458474.pdf [https://perma.cc/VN2W-Y8SU]; JENNIFER BROWER & PETER CHALK, THE GLOBAL THREAT OF NEW AND REEMERGING INFECTIOUS DISEASES 61–74 (2003).

¹³³ 6 U.S.C. § 104.

¹³⁴ See Swalwell & Alagoood, *supra* note 82, at 228–33.

nation-states and terrorists. The expense associated with creating, accessing, storing, transporting, and deploying a biological agent had made a biological attack an inefficient material for war or terrorism.¹³⁵ For example, anthrax, which was used in attacks against Members of Congress and journalists in 2001,¹³⁶ is highly toxic but difficult to disperse widely, making it a relatively inefficient weapon. COVID-19, however, demonstrated that biological agents with lower lethality rates but higher transmissibility potential can cause widespread casualties and disrupt the entire nation.¹³⁷ As security experts at University at Albany put it, “The inability of even highly developed countries to stop the spread of the virus . . . exposed the myriad weaknesses present in global public health systems. Such outcomes will not go unnoticed by terrorist groups, who will remember these impacts when seeking new means to achieve their goals.”¹³⁸

Second, the COVID-19 pandemic supercharged domestic extremism in the United States. Inaction at the federal level left local jurisdictions to implement disease mitigation strategies, including lockdowns and social distancing requirements that continued for months. Contradictory and false information from federal officials led to public confusion about local public health restrictions. Public confusion, heightened mental health risks, increased time for online activity during lockdowns, and noxious online spaces created a “perfect storm for extremist recruitment.”¹³⁹ Domestic extremist groups tapped into the social strains caused by the COVID-19 epidemic, ultimately leading to politically motivated crime, domestic terrorism, and an insurrectionist attack on the U.S. Capitol.

Third, COVID-19 exacerbated social divisions in the United States, including those divisions that fuel anti-government extremism and white supremacy. Nation-state adversaries such as Russia and China have long used propaganda and malign influence techniques, particularly on social me-

¹³⁵ See Lasha Giorgidze & James K. Wither, *Horror or Hype: The Challenge of Chemical Biological, Radiological, and Nuclear Terrorism*, GEORGE C. MARSHALL EUR. CTR. FOR SEC. STUD. (Dec. 2019), <https://www.marshallcenter.org/en/publications/occasional-papers/horror-or-hype-challenge-chemical-biological-radiological-and-nuclear-terrorism-0> [<https://perma.cc/9HUS-AQS6>].

¹³⁶ Rachel Long, *Bioterrorism in the 21st Century*, GLOBAL AFFS. REV. N.Y.U. (Apr. 11, 2018), <https://gareviewnyu.com/2018/04/11/bioterrorism-in-the-21st-century/>. [<https://perma.cc/D9M9-5L6G>].

¹³⁷ See Hamish de Bretton-Gordon, *Covid-19 Has Revealed Just How Vulnerable We Are to Biosecurity Threats*, CNN (Dec. 20, 2020, 6:28 PM), <https://www.cnn.com/2020/12/20/opinions/covid-biosecurity-threat-bretton-gordon/index.html> [<https://perma.cc/5VYU-XZAJ>] (placing COVID-19 in context with other biological agents); Arnauad Chiolero et al., *Rapid Response: Ranking Lethality of Covid-19 and Other Epidemic Diseases*, BMJ (Apr. 24, 2020), <https://www.bmj.com/content/369/bmj.m1607/tr-1> [<https://perma.cc/B2LS-E24V>] (comparing COVID-19 death rates with higher death rates of other infectious diseases).

¹³⁸ Gary Ackerman & Hayley Peterson, *Terrorism and COVID-19*, 14 PERSPS. ON TERRORISM 59, 64 (2020).

¹³⁹ Cynthia Miller-Idriss, *We’re Living in a Perfect Storm for Extremist Recruitment. Here’s What We Can Do to Stop It*, CNN (July 19, 2020, 6:57 AM), <https://www.cnn.com/2020/07/19/opinions/online-radicalization-risk-pandemic-miller-idriss-united-shades/index.html> [<https://perma.cc/7RNN-AMSR>].

dia, to undermine U.S. security, and COVID-19 created an opening for them to exploit using disinformation and conspiracy theory.¹⁴⁰ Russia, in particular, weaponized COVID-19 by “using the chaos and uncertainty that the virus created to attack the distribution of accurate information and to leverage existing societal divisions.”¹⁴¹ An October 2020 Homeland Security Threat Assessment found that “Russian online influence actors are advancing misleading or (what they perceive as) inflammatory narratives about the COVID-19 pandemic probably to stoke fear, undermine the credibility of the U.S. government, and weaken global perceptions of America.”¹⁴² Bad actors do not have to create disinformation or conspiracy theory to turn Americans against one another or against government, though they sometimes do. They can successfully undermine security by amplifying disinformation and conspiracy theories that are popularized by Americans. As discussed above, domestic extremists were already using fear, confusion, and conspiracy relating to COVID-19 as a recruitment tool.

As conspiracy theories grew their reach, Russia amplified the conspiracies. Take two related conspiracy theories that played a part in the January 6, 2021 domestic terror attack on the U.S. Capitol as examples. QAnon “purports that America is run by a cabal of pedophiles and Satan-worshippers who run a global child sex-trafficking operation and that President Trump is the only person who can stop them.”¹⁴³ “Stop the Steal” groups falsely proclaimed that widespread voter fraud and Democratic electoral rigging during the 2020 presidential election had stolen the election from incumbent Donald J. Trump.¹⁴⁴ Russia amplified both conspiracy theories on social media and state-controlled news¹⁴⁵ as part of its efforts to “undermine democratic legitimacy.”¹⁴⁶ The QAnon followers, anti-government extremists, white supremacists, and “Stop the Steal” believers who stormed the U.S. Capitol

¹⁴⁰ Wesley R. Moy & Kacper Gradon, *COVID-19 Effects and Russian Disinformation Campaigns*, 16 *HOMELAND SEC. AFFS. J.* 1, 9 (2020).

¹⁴¹ *Id.*

¹⁴² U.S. DEP'T HOMELAND SEC., *HOMELAND THREAT ASSESSMENT 11* (2020), https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf [<https://perma.cc/4WS9-CUBK>].

¹⁴³ Will Rahn & Dan Patterson, *What Is the QAnon Conspiracy Theory?*, CBS NEWS, (Mar. 29, 2021 3:36 PM), <https://www.cbsnews.com/news/what-is-the-qanon-conspiracy-theory/> [<https://perma.cc/PRH8-6Q9G>].

¹⁴⁴ See Marianna Spring, ‘*Stop the Steal*’: *The Deep Roots of Trump’s ‘Voter Fraud’ Strategy*, BBC NEWS (Nov. 23, 2020), <https://www.bbc.com/news/blogs-trending-55009950> [<https://perma.cc/H2M5-PFL5>].

¹⁴⁵ See Joseph Menn, *Russian-Backed Organizations Amplifying QAnon Conspiracy Theories, Researchers Say*, REUTERS (Aug. 24, 2020, 6:16 AM), <https://www.reuters.com/article/us-usa-election-qanon-russia/russian-backed-organizations-amplifying-qanon-conspiracy-theories-researchers-say-idUSKBN25K13T> [<https://perma.cc/MC9Y-5RRE>]; Josh Margolin & Lucien Bruggeman, *Russia Continues to Spread Coronavirus Conspiracies, Intel Bulletin Warns*, ABC NEWS (Oct. 22, 2020, 6:00 AM), <https://abcnews.go.com/US/russia-continues-spread-coronavirus-conspiracies-intel-bulletin-warns/story?id=73746560> [<https://perma.cc/6JV8-C2LA>].

¹⁴⁶ Moy & Gradon, *supra* note 140, at 11–16.

in an act of domestic terrorism were a triumph for Russia's disinformation campaign¹⁴⁷ and a playbook for U.S. adversaries to follow in the future.

IV. THE INTERNET CONNECTION

In the two decades since the 9/11 terrorist attacks, the United States has shored up many vulnerabilities. The nation is safer, particularly from large-scale, organized terrorist threats directed by foreign non-state groups. The nation's borders are more secure than they were before 9/11, making it harder for terrorists to enter the country. Traditional targets like airports, government buildings, and infrastructure are hardened. Federal agencies now are working alongside state and local law enforcement to combat threats. And the American people generally are more alert to potential threats.¹⁴⁸ But there is a common thread among the threats described above—the internet has created security vulnerabilities. Domestic extremists have used the internet and social media to recruit, propagandize, and carry out attacks, and those same technologies have helped fuel extremist ideologies, creating a self-reinforcing cycle.

RAND terrorism expert Brian Michael Jenkins famously wrote in 1974 that modern terrorism is a form of theater in which “attacks are often carried out to achieve maximum publicity”¹⁴⁹ and “aimed at achieving broader goals, which may range from attracting worldwide attention to the terrorists’ cause to the dissolution of society or of international order.”¹⁵⁰ More recently, scholars have described terrorism as “an attempt to communicate messages through the use of orchestrated violence.”¹⁵¹ The proliferation of internet access, social media, and algorithmic sorting of digital information online have helped fuel domestic extremist ideology and given extremists a low-cost medium for publicity.¹⁵²

First, the internet has created a forum for extremist groups to share propaganda and recruit widely, cheaply, and with relative anonymity. Domestic extremists and extremist organizations traditionally relied on inter-

¹⁴⁷ See Scott Rosenberg, *Disinformation's Big Win*, AXIOS (Jan. 8, 2021), <https://www.axios.com/disinformations-big-win-russia-trump-5e6a9cc6-4bfb-456d-9712-d97bd4b2a6cb.html> [<https://perma.cc/KCM2-HAR4>].

¹⁴⁸ See, e.g., Steven Brill, *Is America Any Safer?*, ATLANTIC (Sept. 2016), <https://www.theatlantic.com/magazine/archive/2016/09/are-we-any-safer/492761/> [<https://perma.cc/QRZ8-VH24>].

¹⁴⁹ BRIAN M. JENKINS, INTERNATIONAL TERRORISM: A NEW KIND OF WARFARE 2 (1974), <https://www.rand.org/content/dam/rand/pubs/papers/2008/P5261.pdf> [<https://perma.cc/ZAZ2-95S4>].

¹⁵⁰ *Id.* at 4.

¹⁵¹ Yariv Tsfati & Gabriel Weimann, *www.terrorism.com: Terror on the Internet*, 25 *STUD. CONFLICT & TERRORISM* 317, 317 (2002).

¹⁵² See Matthew Alcoke, FBI Counterterrorism Division, Statement for the Record: The Evolving and Persistent Terrorism Threat to the Homeland, Address at the Washington Institute for Near East Policy (Nov. 19, 2019), <https://www.washingtoninstitute.org/media/855?disposition=inline> [<https://perma.cc/YX35-9N23>].

personal communication and printed literature to reach new recruits.¹⁵³ They stood on street corners, handed out flyers, published newsletters, and operated telephone hotlines.¹⁵⁴ Among their most effective recruitment tools was building friendships and giving potential recruits a sense of belonging.¹⁵⁵ To access organizations' propaganda required meeting someone in person, calling a hotline, or writing a letter to request information. Communication was slow, propaganda was difficult to produce, and potential recruits did not have anonymity. After all, calls could be traced by law enforcement, and propaganda had to be sent through the mail, which might be subject to government surveillance.

The internet reduced the costs of propaganda and recruitment.¹⁵⁶ White supremacist groups were among the early adopters of online communication, and in 1984 many of them began moving their printed materials online to reach wider audiences and get propaganda into countries where such content was banned.¹⁵⁷ By the mid-1990s, domestic extremist web "postings [had become] difficult to ignore."¹⁵⁸ A 1995 column in the Canadian news magazine *Maclean's* described online extremists as "on the cutting edge of technology, but their message is a throwback to darker times. They are the Holocaust revisionists, neo-Nazis and American militia members who regularly vent their claims and exchange information on the Internet."¹⁵⁹ At that time, only fourteen percent of U.S. adults used the internet.¹⁶⁰ Today, at least ninety percent of U.S. adults use it,¹⁶¹ giving extremist groups a deep pool of potential recruits that can be reached online. Before the advent of social media, however, online extremist propaganda could only reach those people who sought it out.¹⁶²

¹⁵³ See BRUCE HOFFMAN, *TERRORISM IN THE UNITED STATES DURING 1985* at 9–10 (1986) <https://apps.dtic.mil/sti/pdfs/ADA170434.pdf> [<https://perma.cc/3W46-KWXQ>]; Suzanne VanWeelde, *The White Extremist Movement: A Metatheoretical Analysis*, SCHOLARWORKS W. MICH. U. 1, 38–40 (1997).

¹⁵⁴ See VanWeelde, *supra* note 153, at 39–40.

¹⁵⁵ See *id.* at 42 (quoting MICHAEL KRONENWETTER, *UNITED THEY HATE: WHITE SUPREMACIST GROUPS IN AMERICA* 86 (1992)).

¹⁵⁶ See Mason Youngblood, *Extremist Ideology as a Complex Contagion*, 7 HUMANS. & SOC. SCIS. COMM'NS 1, 2 (2020).

¹⁵⁷ See Chip Berlet, *When Hate Went Online* 2–4 (Apr. 28, 2001) (unpublished manuscript presented at Northeast Sociological Association Spring Conference), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.552.239&rep=rep1&type=pdf> [<https://perma.cc/X2FB-3KDT>].

¹⁵⁸ Joe Chidley & E. Kaye Fulton, *Spreading Hate on the Internet*, *MACLEAN'S*, May 8, 1995, at 37.

¹⁵⁹ *Id.*

¹⁶⁰ PEW RSCH. CTR., *DIGITAL LIFE IN 2025*, at 4 (2014), https://www.pewresearch.org/wp-content/uploads/sites/9/2014/03/PIP_Report_Future_of_the_Internet_Predictions_031114.pdf [<https://perma.cc/8TR4-T9NM>].

¹⁶¹ See *Internet/Broadband Fact Sheet*, PEW RSCH. CTR. (June 12, 2019), <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/> [<https://perma.cc/WH5A-L4SG>].

¹⁶² See Michael Steinbach, Executive Assistant Director, FBI, *How Technology Has Transformed the Terrorist Threat Fifteen Years After 9/11*, Address at the Washington Institute for Near East Policy 3 (Sept. 21, 2016) (transcript available at <https://web.archive.org/web/>

Second, social media, an outgrowth of widespread internet adoption, has removed obstacles to extremist recruitment and given terrorists a new medium for broadcasting violence. Extremists on the internet before social media used online bulletin boards and static web pages to promote their ideology. In many ways, extremists used pre-social-media internet as little more than an extension of traditional media but with a wider audience, but “they were very good, prescient even, at understanding how to exploit emerging technologies to further their ideological goals.”¹⁶³

Nevertheless, online propaganda mostly was a one-way, passive communication. Extremist groups had to wait for a person to seek out information before establishing contact, and potential recruits had to establish the relationship. As one former national security official at the FBI put it:

In today’s social media age, terrorists can proactively troll social media sites for individuals they believe may be susceptible and sympathetic to the message. . . . These potential recruits may be just looking for a place to fit in. Online recruiters feed them a steady false narrative, suggesting they join their cause and become part of something bigger; this sense of belonging appeals to individuals who seek a purpose or who crave action. And the radicalization is not just occurring when an individual accesses a site; with social media push notifications and smartphones, it’s radicalization literally twenty-four hours a day, seven days a week.¹⁶⁴

Social media broke down this one-way barrier and allowed extremists to actively seek out potential sympathizers. As people began sharing personal information on social media, including insights into their social connections, belief systems, and thought processes, extremist groups began targeting people with propaganda rather than waiting for potential recruits to seek them out.¹⁶⁵ For example, extremists used social media to spread conspiracy theories about COVID-19, focusing in part on the development of a vaccine as a means of social control attributed to “elites,” Jewish leaders, or a “cabal” of pedophiles.¹⁶⁶ That message appealed and was directed not only to white supremacists and anti-government extremists but also to anti-vaxxers, a group not generally associated with white supremacy and anti-government extremism but sympathetic to propaganda about government control and vaccine dangers.¹⁶⁷

20180926144906/http://www.washingtoninstitute.org/uploads/Documents/other/SteinbachStatement20160921-ForDownload.pdf [https://perma.cc/TXP5-PAGN]).

¹⁶³ Jessie Daniels, *The Algorithmic Rise of the “Alt-Right,”* 17 CONTEXTS 60, 63 (2018).

¹⁶⁴ Steinbach, *supra* note 162, at 3.

¹⁶⁵ *See id.*

¹⁶⁶ Arie W. Kruglanski et al., *Terrorism in Time of the Pandemic*, 5 GLOB. SEC.: HEALTH, SCI. & POL’Y 121, 126–27 (2020).

¹⁶⁷ *See* Jonathan Jarry, *The Anti-Vaccine Movement in 2020*, MCGILL: OFF. FOR SCI. & SOC’Y (May 22, 2020), <https://www.mcgill.ca/oss/article/covid-19-pseudoscience/anti-vaccine-movement-2020> [https://perma.cc/A3ZZ-XDVE].

Third, the algorithms required to sort the vast amounts of information on the internet and social media have reinforced cognitive biases and helped connect people with extremist ideologies they did not necessarily seek out for themselves.¹⁶⁸ For free services, such as a search engine or social media platform, the primary economic goal is to get and keep a person's attention, then turn information about that person into advertising revenue.¹⁶⁹ Getting and keeping someone's attention in the digital world "means filtering out anything [a user] might deem a waste of time until the algorithm has effectively personalized [the user's] experience of a platform, showing [the user], in theory, only the things [the user would] want to see."¹⁷⁰ As a result, two people may input identical keywords into search engines or social media sites but get different results. This is because algorithmic predictions rely on data about users' past preferences to identify information that is likely to get users' attention and engage users for the longest period of time. Put simply, search engine and social media algorithms "prioritize information in [users'] feeds that [users] are most likely to agree with—no matter how fringe—and shield [users] from information that might change [their] minds."¹⁷¹

The Charleston shooter illustrates the role algorithms play in reinforcing cognitive bias, polluting knowledge, and connecting people with extremist ideologies. As discussed in Section II.B above, the Charleston shooter had internalized racist beliefs since childhood, which intensified following the killing of Trayvon Martin.¹⁷² He conducted an internet search¹⁷³ for "black-on-white crime," a phrase commonly associated with white supremacist propaganda.¹⁷⁴ However, his search did not lead him to criminal justice statistics from the FBI, which would have shown that crimes most often

¹⁶⁸ The internet is not the first mass medium to reinforce cognitive bias or contribute to viewpoint polarization. Talk radio, cable news, and local news biases also cater to users' biases. See Adam Piore, *Technologists Are Trying to Fix the "Filter Bubble" Problem that Tech Helped Create*, MIT TECH. REV. (Aug. 22, 2018), <https://www.technologyreview.com/2018/08/22/2167/technologists-are-trying-to-fix-the-filter-bubble-problem-that-tech-helped-create/> [<https://perma.cc/M5AD-RV7S>].

¹⁶⁹ See Katherine J. Wu, *Radical Ideas Spread Through Social Media. Are the Algorithms to Blame?*, NOVA NEXT (Mar. 28, 2019), <https://www.pbs.org/wgbh/nova/article/radical-ideas-social-media-algorithms/> [<https://perma.cc/3FBY-PFRM>].

¹⁷⁰ *Id.*

¹⁷¹ Filippo Menczer & Thomas Hills, *Information Overload Helps Fake News Spread, and Social Media Knows It*, SCI. AM. (Dec. 1, 2020), <https://www.scientificamerican.com/article/information-overload-helps-fake-news-spread-and-social-media-knows-it/> [<https://perma.cc/VFB6-RNV5?type=image>].

¹⁷² See *supra* Section III.B.

¹⁷³ See Hersher, *supra* note 101.

¹⁷⁴ See Cassie Miller, *The Biggest Lie in the White Supremacist Propaganda Playbook: Unraveling the Truth About "Black-on-White Crime,"* S. POVERTY L. CTR. (June 14, 2018), <https://www.splcenter.org/20180614/biggest-lie-white-supremacist-propaganda-playbook-unraveling-truth-about-black-white-crime#modern> [<https://perma.cc/E7UP-P2US>].

occur within demographic communities,¹⁷⁵ or criminological studies, which describe the complex variables underlying crime statistics.¹⁷⁶ Algorithms confirmed his racist biases and directed him to “racist websites and a community of others to confirm and grow his hatred.”¹⁷⁷

Moreover, algorithms on social media may actively funnel people to extremist ideologies. Social media generates revenue from advertising, and longer user engagement generates a larger profit. To keep users engaged, many social media platforms use algorithms to organize the information a user sees and recommend content that may keep the user online longer.¹⁷⁸ Because false and divisive social media posts generally receive the greatest user engagement¹⁷⁹ and algorithms sort information by engagement potential, extreme or false information often rises to the top, creating a self-reinforcing cycle. In 2018, an MIT study found that “falsehood diffused significantly farther, faster, deeper, and more broadly [on Twitter] than the truth in all categories of information.”¹⁸⁰ That same year, an internal Facebook review found that the company’s algorithms, which determine what posts a user sees, “exploit the human brain’s attraction to divisiveness,” and feeds users “more and more divisive content in an effort to gain user attention and increase time on the platform.”¹⁸¹ Conspiracy theory and divisive content are the bread and butter of domestic extremist ideology, and algorithms have helped bad actors spread propaganda to new audiences.¹⁸²

V. RISK REDUCTION REQUIRES NEW APPROACHES

There is no one-size-fits-all model for protecting U.S. security, for several reasons. First, the United States does not prosecute thought crimes. Nor should it. The First Amendment protects a person’s right to hold even the most heinous beliefs, express those beliefs to others, and associate freely

¹⁷⁵ See, e.g., 2018 *Crime in the United States, Expanded Homicide Data Table 6*, FBI: UNIF. CRIME REPORTING, <https://ucr.fbi.gov/crime-in-the-u.s./2018/crime-in-the-u.s.-2018/tables/expanded-homicide-data-table-6.xls> [<https://perma.cc/CS5X-VTSJ>].

¹⁷⁶ See, e.g., Wonhyuk Cho & Alfred T. Ho, *Does Neighborhood Crime Matter?*, 55 INT’L J.L., CRIME & JUST. 13, 16–19 (2018).

¹⁷⁷ Daniels, *supra* note 163, at 62.

¹⁷⁸ See Wu, *supra* note 169.

¹⁷⁹ See generally Soroush Vosoughi et al., *The Spread of True and False News Online*, 359 SCIENCE 1146 (2018) (discussing the spread of false information); see also Luke Munn, *Angry by Design: Toxic Communication and Technical Architectures*, HUMANS. & SOC. SCIS. COMM’N 3–8 (2020) (discussing the spread of divisive information).

¹⁸⁰ Vosoughi et al., *supra* note 179, at 1146.

¹⁸¹ Jeff Horwitz & Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive*, WALL ST. J. (May 26, 2020, 11:38 AM), <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499> [<https://perma.cc/BT5H-PFV8>].

¹⁸² See, e.g., Tim Dickinson, *How the Anti-Vaxxers Got Red-Pilled*, ROLLING STONE (Feb. 10, 2021, 8:30 AM), <https://www.rollingstone.com/culture/culture-features/qanon-anti-vax-covid-vaccine-conspiracy-theory-1125197/> [<https://perma.cc/L53A-2SBL>].

with other believers.¹⁸³ Second, pathways to radicalized violence are complex,¹⁸⁴ identifying dangerous people before they commit a bad act is nearly impossible,¹⁸⁵ and the vast majority of people who adopt or implicitly support extremist ideology never commit a violent act.¹⁸⁶ Third, some post-9/11 counterterrorism efforts were heavy-handed and wrongly implicated protected speech, religion, and ordinary, non-criminal behavior, demonstrating a need for caution with a one-size-fits-all approach to counterterrorism.¹⁸⁷ Nevertheless, there are steps that policy makers can take to ameliorate current vulnerabilities while also preparing for threats on the horizon.

First, federal security agencies, including the Department of Homeland Security and Department of Justice, must better distribute resources and coordinate across agencies to address the evolving domestic terrorism threat. The Domestic Terrorism Prevention Act,¹⁸⁸ introduced by Rep. Brad Schneider (D-Ill.), would take the country one step toward preventing, responding to, and investigating domestic terrorism by establishing offices dedicated to combating domestic terrorism,¹⁸⁹ requiring federal agencies to assess evolving threats,¹⁹⁰ and providing resources for state, local, and tribal law enforcement agencies combating domestic terrorism.¹⁹¹ Most importantly, the bill would require that domestic counterterrorism efforts evolve with the threats by mandating that offices working across government on domestic terrorism issues collect threat data and distribute resources according to that data.¹⁹²

Second, the federal government must reorient its approach to public health from a public benefit model to a national security model. The COVID-19 pandemic demonstrated that public health threats are national security threats, and the federal government should treat them as such. The National Security Council Modernization Act, which I plan to introduce in 2021, would implement two significant reforms. The bill would give the Secretary of Health and Human Services, whose department oversees the Centers for Disease Control and Prevention and other disease surveillance agencies, a seat on the National Security Council (NSC). Adding the Secre-

¹⁸³ See, e.g., *Brandenburg v. Ohio*, 395 U.S. 444, 449 (1969) (rejecting a criminal statute that “purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action”).

¹⁸⁴ See LORENZO VIDINO, U.S. INST. OF PEACE, COUNTERING RADICALIZATION IN AMERICA 3 (2010), https://www.usip.org/sites/default/files/resources/SR262%20-%20Countering_Radicalization_in_America.pdf [<https://perma.cc/X3A8-XTWR>].

¹⁸⁵ See FAIZA PATEL, BRENNAN CTR. FOR JUST., RETHINKING RADICALIZATION 2–4 (2011), <https://www.brennancenter.org/our-work/research-reports/rethinking-radicalization> [<https://perma.cc/EGZ4-K5P5>].

¹⁸⁶ See JAMIE BARTLETT & JONATHAN BIRDWELL, FROM SUSPECTS TO CITIZENS 8–9 (2010), https://www.demos.co.uk/files/From_Suspects_to_Citizens_-_web.pdf [<https://perma.cc/TK3D-2YBT>].

¹⁸⁷ See PATEL, *supra* note 185, at 9.

¹⁸⁸ Domestic Terrorism Prevention Act of 2021, H.R. 350, 117th Cong.

¹⁸⁹ See *id.* § 3(a).

¹⁹⁰ See *id.* § 3(b).

¹⁹¹ See *id.* § 4.

¹⁹² See *id.* § 3(d).

tary to the NSC would ensure emerging public health threats are evaluated as potential national security threats and would provide a readily available forum for the Secretary to share information on such diseases with national-security-oriented departments, such as the Department of Defense. The bill also would protect security decisions from political polarization by limiting the president's ability to appoint political staff as NSC members.

Third, and relatedly, Congress must entirely reject the Dickey Amendment, which is a provision included in government funding legislation stating, "None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control."¹⁹³ In past years, that language has deterred public health researchers from examining the effects of gun violence.¹⁹⁴ Although Congress recently clarified that the U.S. Centers for Disease Control and Prevention is not prohibited from researching gun violence and provided funding for such research, the Dickey Amendment remains a deterrent for public health researchers to recommend evidence-based gun violence prevention reforms, which could be considered "advocat[ing] or promot[ing] gun control." For that reason, simply clarifying the Dickey Amendment, as Congress did in 2019, does not go far enough. Congress must explicitly reject the Dickey Amendment, provide additional funding for the CDC to research gun violence prevention and gun safety, and allow federally funded researchers to draw conclusions or make recommendations on gun violence prevention without fear of violating federal law. Doing so would give policymakers new—and better—perspectives on a national security scourge.

Fourth, the United States government must identify avenues for combating disinformation and conspiracy theories without infringing First Amendment rights. Another bill I intend to propose this year, the Biological Information Optimization for Defense Act ("BIO Defense Act"), focuses on public health misinformation and disinformation that may harm national security and provides an adaptable model for combating information pollution that contributes to domestic terrorism threats. The BIO Defense Act would require the Vice President to convene cabinet secretaries whose departments focus on national security and homeland security to develop a National Strategy Combating Biodefense Misinformation. The Vice President and cabinet members would be required to coordinate with social media companies and experts to stay ahead of technological developments that may contribute to conspiracy theories and the spread of extremism. And the strategy would lay out a step-by-step plan that communications practitioners can follow during crises in order to dilute information pollution and flood the field with the best available public health information. If the BIO Defense Act is

¹⁹³ See, e.g., MAINON A. SCHWARTZ, CONG. RSCH. SERV., IF11371, FIREARMS RELATED APPROPRIATIONS RIDERS 1–2 (2019).

¹⁹⁴ See Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104-208, 110 Stat. 3009, 3009-244; see generally Allen Rostron, *The Dickey Amendment on Federal Funding for Research on Gun Violence*, 108 AM. J. PUB. HEALTH 865 (2018).

passed, the National Strategy Combating Biodefense Misinformation can become a guide for future strategies to combat conspiracy theories and misinformation in other areas of security.

VI. CONCLUSION

Security risks are not static, so security policy must evolve. Bureaucratic inertia, preparing for past wars without looking to the future, and narrowly focusing on traditional risks makes the country less safe. National security and homeland security policymakers must shore up current vulnerabilities and anticipate emerging risks. In the counterterrorism context, that means reforming gun laws that have contributed to repeat mass shootings, examining domestic extremist ideology that may lead people to commit bad acts, and countering public health misinformation that negatively impacts national security—all while respecting civil liberties. In the years following 9/11, when federal agencies predominantly focused on countering terrorism in the United States with a foreign nexus—particularly threats from or inspired by al Qaeda and ISIS—the Department of Homeland Security largely struck the right balance. DHS recognized that radicalization does not follow a set path and adoption of extremist ideology does not always result in terrorism, but that terrorism definitionally flows from extremist beliefs. As the DHS official in charge of intelligence analysis emphasized in 2007:

Radicalization entails “the process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect societal change.” This definition separates radicalization from terrorism by emphasizing the difference between related social patterns, some of which may eventually lead to terrorism. Within these patterns we are interested in the interplay between radical actor groups and “nodes.” Radical actor groups are communities and sub populations experiencing radicalization. Nodes are the conduits facilitating or supporting a person or group through the radicalization process. They may be physical institutions, virtual communities, charismatic individuals, written or recorded material, or even shared experiences.¹⁹⁵

This approach—separating the process of adopting extremism ideology from the violent actions that may result—provides a useful framework for countering evolving domestic terrorism threats. There is no one-size-fits-all agency or solution. Policymakers must think creatively about threats that are upon us and ones that are to come.

¹⁹⁵ *Threat of Islamic Radicalization to the Homeland: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affs.*, 110th Cong. 4 (2007) (statement of Charles E. Allen, Assistant Secretary for Intelligence Analysis, Chief Intelligence Officer).

