



IMPROVING INTELLIGENCE TO ADDRESS THE RISING THREAT OF WHITE CHRISTIAN NATIONALIST VIOLENT EXTREMISM IN THE UNITED STATES

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EXECUTIVE SUMMARY

The January 6 attack on the United States Capitol by a mob of protestors to stop the certification of the election results and the peaceful transition of power represented, without a doubt, a gigantic turning point in the Federal Bureau of Investigation (FBI) and the intelligence community (IC). It revealed the lack of preparedness from the government to counter the long-time ignored threat from within the United States. The event on January 6 showed how the threat landscape has evolved. It illustrated the need for more decisive actions within the IC's assessment, preparedness, "warning dissemination," and response process to violent events. To prevent the next domestic violent extremist (DVE) attack, the FBI, along with other law enforcement and IC, must work together strategically to conduct a practical analysis of the trends in DVEs attacks and must ensure collaboration and cooperation with other states, local, and federal partners to better response to the challenges presented by this threat.

This paper investigates the actions leading to the so-called "intelligence failure" and the FBI preparation and responsiveness at the January 6 violence by members from different right-wing extremist groups. This paper is presented to identify areas where both the IC and FBI can enhance their capabilities and response to DVEs threats in the future.

Using different sources, the writer analyzed current FBI policies related to DVEs, an extensive literature review, and the testimonies of Director Christopher Wray and former Counterterrorism Division Assistant Director Jill Sanborn before the Senate and House of Representatives in the aftermath of January 6 and interviews of subject matter experts with knowledge and experience in the field.

Even though some of the suggestions made in the paper may not be novel to some of us, the current context necessitates a thorough investigation of the danger that WCN poses to the continuity of our democracy and the safety of all Americans. The FBI faced many challenges, and we are now operating in uncharted territory; therefore, we must examine our shortcomings in deterring, disrupting, and preventing terrorist attacks. Treating the various incidents with the tools of the past has proven inefficient at best. While we have continued identifying the failures after the fact, we are still chasing the perpetrators. I intend to highlight some areas of concern and propose changes to how the FBI conducts its operations to improve efficiency and effectively mitigate the threat from domestic violence extremists. This paper identified areas for improvement in the IC and the FBI, which led to the following recommendations to combat the DVE threat in the US.

First, the FBI needs to develop a more robust intelligence program by enhancing domestic terrorism analysis and improving information sharing throughout law enforcement at the federal, state, local, tribal, and territorial levels and, where appropriate, private sector partners.

Secondly, have a deep understanding of applying the standard for opening assessments, not only preliminary and complete investigations' according to the AGGs to domestic terrorism.

Third, from the examination of the literature, there needs to be more understanding of the First Amendment and the Protection of the freedom of speech that needs to be addressed by law enforcement agencies.

Fourth, while the FBI is focused on the operations and conducting the investigations, Congress and lawmakers need to promote legislation for criminalizing the activities of domestic terrorism actors accordingly.

Fifth, while preserving and protecting the constitutional rights and laws in the United States, address the domestic terrorism program DT the same way we look at the international terrorism program at all organizational levels.

Sixth, although the FBI has an extensive partnership with communities, other law enforcement agencies, and federal partners, addressing prevention programs with a robust understanding of the trends and threats at all levels will help law enforcement identify the next attack.

Seventh, after the seditious conspiracy trials for the Oath Keepers and the Proud Boys, the FBI realized how social media played a significant role in the preparation months before January 6th. Therefore, understanding the role of social media platforms in enabling increased violence and rhetoric.

Last, a need for more robust oversight from Headquarters and the Department of Justice regarding domestic terrorism investigations would ensure that field offices clearly understand the different threats in their domain and the resources and tools to identify the threats in their area of responsibility successfully.

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INTRODUCTION

“Violence in America has risen to alarmingly high levels... This high level of violence is dangerous to our society. It is dividing our people into armed camps...jeopardizing our most precious institutions...poisoning the spirit of trust and cooperation essential to their functioning...corroding the central political processes of our democratic society... substituting force and fear for argument and accommodation.” (Jenkins, 2022)

The January 6th, 2021, incident at the Capitol building was undoubtedly unprecedented. Many individuals consider the recent occurrence to be an act of domestic terrorism. Unsurprisingly, numerous so-called patriots expressed their disgust towards President-elect Joseph Biden. They were influenced by conservative rhetoric from former President Donald Trump, which many have criticized as violent. During the events at the Capitol, there were multiple factions of domestic violent extremists (DVEs) noted to be in attendance. These groups included militant factions, members of the Proud Boys organization, radicals inspired by QAnon ideology, and individuals motivated by racial or ethnic biases and exhibiting violent tendencies. The amalgam of domestic violent extremist groups present at the Capitol was a snapshot of the broader domestic violent extremist threat facing the United States.¹

Numerous individuals, including members of organized groups like Oath Keepers, Three Percenters, militias, and others, were observed coming together to obstruct the peaceful transfer of power. Regardless of their specific beliefs or affiliations, they united to march through the nation's capital to impede the electoral process and prevent the transition of power.

¹ The U.S. government can do more to fight domestic terror without any new laws - The Washington Post

Influenced by former President Trump's inflammatory language, specifically his claims of election theft and fraud, it incited widespread anger and chaos, resulting in a significant outbreak of political violence. This represents one of the most critical instances of politically motivated violent extremists since the Civil War.

Notably, the events of January 6, 2021, at the Capitol exposed the severity of the threat posed by right-wing extremism in the country. The exhibition provided an insightful look at the various groups, beliefs, and ideologies that make up the larger right-wing extremist community in the United States. Over a hundred people were hurt during the attack, and \$30 million was damaged.² Former President Trump's empty rhetoric about stolen elections and fraud fueled their rage, leading to one of the largest-scale violent political disturbances since the Civil War.

Though it may be consoling to know that Americans have faced similar challenges and that the republic has endured, the current US situation seems more concerning in some ways. Americans appear to be even more divided on issues such as race and racism, ideology, and federal authority.

Fears of political violence have grown in response to rising public hostility. According to public opinion polls, an increasing number of Americans believe political violence is justified in some circumstances.³ But many people are also concerned about the presence of heavily armed men at protests, the violent mob attack on the U.S. Capitol, the increasingly bellicose language used by national leaders and influencers on television, radio, the internet, and social media, the rising number of threats made against public officials at all levels of government, and the

² Domestic Terrorism in 2022: Key Risks and Trends (risetopeace.org)

³ <https://ctc.westpoint.edu/feature-commentary-elements-of-a-pragmatic-strategy-to-counter-domestic-political-violence/>

reported rise in hate crimes. Some even believe the United States is on the verge of another civil war.⁴

While there is no definitive answer to whether January 6th was an intelligence failure from the FBI, as different sources may have different perspectives and criteria to evaluate the FBI's performance and responsibility, however, based on some recent reports and statements, one possible answer is that the FBI did fail to take the threats of violence seriously and share them effectively with other law enforcement agencies and officials.

According to a bipartisan Senate report released in June 2021, the FBI did not issue a formal intelligence bulletin or other finished intelligence product addressing potential violence on January 6, despite receiving numerous tips and leads from various sources, including social media posts, online forums, confidential informants, and field offices.⁵ The report says this meant the FBI considered individual pieces of intelligence on their own merits but failed to look comprehensively at the possibility of violence on January 6⁶.

The report also says that the FBI needed to adequately communicate its intelligence to the U.S. Capitol Police (USCP) and the Metropolitan Police Department (MPD) of Washington, D.C., responsible for securing the Capitol. The report says that the FBI only shared a raw intelligence report from its Norfolk field office, which warned of war at the Capitol, via email

⁴ <https://ctc.westpoint.edu/feature-commentary-elements-of-a-pragmatic-strategy-to-counter-domestic-political-violence/>

⁵ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](https://www.justsecurity.org/2021/06/01/fbi-dhs-failed-to-take-jan-6-threats-seriously-senate-report-says/)

⁶ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](https://www.nbcnews.com/politics/2021/06/01/fbi-dhs-failed-to-take-jan-6-threats-seriously-senate-report-says-ncna1087861); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](https://www.nbcnews.com/politics/2021/01/06/top-jan-6-investigator-says-fbi-other-agencies-could-have-done-more-to-repel-capitol-mob-had-they-acted-on-intel-ncna1087861); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](https://www.nbcnews.com/politics/2021/01/06/fbi-failures-before-the-capitol-siege-avoided-the-jan-6-committee-s-scorn-not-for-long-ncna1087861); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](https://www.washingtonpost.com/politics/durbin-asks-fbi-to-explain-failure-to-deal-with-jan-6-threats-2021-06-01/); [Lessons Learned from the January 6th Intelligence Failures - Just Security](https://www.justsecurity.org/2021/06/01/lessons-learned-from-the-january-6th-intelligence-failures/)

with a few law enforcement partners late on January 5, without calling attention to its significance or urgency.⁷ The report says that this email was never seen by USCP or MPD leadership before January 6⁸.

The report also says that the FBI did not coordinate or collaborate effectively with other federal agencies, such as the Department of Homeland Security (DHS) and the Department of Defense (DOD), to assess and respond to the domestic terrorism threat posed by the supporters of former President Donald Trump who planned to disrupt the certification of President Joe Biden's election victory⁹. The report says that the FBI and DHS produced no joint intelligence bulletin or interagency threat assessment before January 6¹⁰. The report also says there was no pre-event planning meeting or tabletop exercise involving the FBI and other federal partners to discuss potential scenarios or contingencies for January 6¹¹.

The FBI has acknowledged some of its shortcomings and challenges in dealing with the January 6 attack. In a statement issued in June 2021, the FBI said it has been reviewing its actions and finding areas to improve its processes and procedures¹². The FBI also said it has been

⁷ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](#); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](#); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](#); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](#); [Lessons Learned from the January 6th Intelligence Failures - Just Security](#)

⁸ Ibid

⁹ Ibid

¹⁰ Ibid.

¹¹ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](#); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](#); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](#); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](#); [Lessons Learned from the January 6th Intelligence Failures - Just Security](#)

¹² [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](#); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](#); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](#); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](#); [Lessons Learned from the January 6th Intelligence Failures - Just Security](#)

enhancing its information sharing and coordination with federal, state, local, tribal, and territorial partners and increasing its focus on domestic terrorism as a top priority¹³.

The FBI also said it faces legal and operational constraints in collecting and analyzing domestic terrorism-related information, especially involving U.S. persons protected by constitutional rights, such as freedom of speech and assembly¹⁴. The FBI said it does not monitor social media platforms or online forums on its own accord, but only when it has an authorized purpose and appropriate predication¹⁵. The FBI also said it does not designate domestic terrorist organizations or individuals but only investigates criminal activity motivated by an ideology¹⁶.

Therefore, it is unclear whether January 6th was an intelligence failure from the FBI, but the FBI could have done more to prevent and prepare for the attack. It is also clear that the FBI faces some challenges and limitations in addressing the domestic terrorism threat in a complex and dynamic environment.

¹³ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](#); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](#); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](#); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](#); [Lessons Learned from the January 6th Intelligence Failures - Just Security](#)

¹⁴ Ibid

¹⁵ Ibid

¹⁶ [FBI, DHS Failed to Take Jan. 6 Threats Seriously, Senate Report Says - \(justsecurity.org\)](#); [Top Jan. 6 investigator says FBI, other agencies could have done more to repel Capitol mob had they acted on intel \(nbcnews.com\)](#); [FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. \(nbcnews.com\)](#); [Durbin Asks FBI to Explain Failure to De... | United States Senate Committee on the Judiciary](#); [Lessons Learned from the January 6th Intelligence Failures - Just Security](#)

BACKGROUND

Part A -- Foundations of White Christian Nationalism (WCN)

A.1.A Ideology (What do they believe)

White Christian Nationalism (WCN) is a movement founded on the belief that God created the United States for Christians. The movement has its roots in the Christian identity developed by John Wilson's 19th-century theory of British Israelism that the lost tribes will reunite in a new country called the United States (CTEC Staff, 2021). According to supporters of WCN, the United States was established on Christian values and should continue to use Christianity as the basis for creating laws, principles, and policies (Tisby, 2021). According to Butler (2021), the beliefs of WCN portray America as a Christian nation chosen by God.

According to Butler (2021), America's founders created the nation based on Christian principles and moral values. In these early days, WCN saw a deep relationship between Christian doctrine and the subjugation of slaves and non-whites. As Whitehead and Perry (2020) explained, the phenomenon of "Christian nationalism" holds the belief that the United States is and should be a Christian nation. WCN does not represent all Christians or all white Americans. It is a distinct ideology with a long history and a potentially dangerous impact on American democracy and society. To counter its influence and promote a more inclusive and pluralistic vision of America, it is critical to understand what it is, where it comes from, and how it

operates.¹⁷ Abdelkader (2021) explains that the emergence of the new white Christian movement occurred in the aftermath of the social, political, and racial turmoil of the 1960s.

During the 1960s, the United States was divided by race, cultural attitudes, ideology, politics, and growing opposition to the Vietnam War. Some far-left organizations, such as the Weather Underground, opposed the Vietnam War; others, such as the New World Liberation Front and United Freedom Front, rejected capitalism or opposed US policies in Central America. The Black Liberation Army took up arms against the government and capitalism and for Black people's self-determination. The Fuerzas de Liberacion Nacional (FALN) campaigned for Puerto Rican independence. Far-right anti-Castro organizations have bombed countries and corporations that do business with Fidel Castro. Violent Ku Klux Klan and neo-Nazis elements attacked minorities and non-white communities.¹⁸

During the 1960s, American society underwent massive transformations, including the civil rights movement and new women's rights. According to Onishi (2020), "The 1960s were the decade when many serpents tempted Americans away from the fundamental principles of family, freedom, and faith and toward a new social order, a sexual revolution, and a rejection of the nuclear family." By 1964, the John Birch Society, an anticommunist organization steeped in liberalism and informed by the idea that Christianity and American democracy are inextricably linked, was one of many organizations that flourished as a counterrevolution to the sweeping changes of the 1960s.

¹⁷ [White Christian Nationalism: The Deep Story Behind the Capitol Insurrection \(georgetown.edu\)](https://www.georgetown.edu/news/white-christian-nationalism-the-deep-story-behind-the-capitol-insurrection)

¹⁸ <https://ctc.westpoint.edu/feature-commentary-elements-of-a-pragmatic-strategy-to-counter-domestic-political-violence/>

In 1964, Barry Goldwater was able to draw on this pool of white Christian nationalism, and as a result, the New Right, a loose alliance of American conservatives, was born. In the late 1970s, the New Right joined forces with televangelist Jerry Falwell's Religious Right, inspiring tens of millions of people of faith in the South, Midwest, and Sunbelt to vote for Republican presidential nominee Ronald Reagan rather than Democrat Jimmy Carter—this series of events led to the movement's strengthening over the next decade.

During the 1980s and 1990s, there was a notable mobilization of individuals on the far right motivated by various national concerns. These included their perception of declining parental rights and authority, which they attributed to certain court decisions. Furthermore, the expansion of multiculturalism was viewed as threatening their values and way of life. Finally, the legalization of abortion was another issue that fueled their mobilization. These concerns were significant enough to elicit a response from those on the far right, who were determined to protect their beliefs and way of life. Worries about a perceived devaluation of the American family and an alleged attack on their cherished Judeo-Christian values, according to Johnson (2017).

Domestic political violence is threatened by both the extreme far-left and the extreme far-right, according to Jenkins (2022). Domestic violent extremism, as evidenced in recent years, is neither monolithic nor exclusive to one side of the spectrum. Historically, those on the extreme far-left have reflected specific issues such as the defense of organized labor, women's liberation, equal rights for people of all races and sexual orientations, opposition to nuclear weapons or the Vietnam War, environmental protection, anti-capitalism, resistance to police shootings, and anti-fascism. Ardent left-wing elements occasionally express these causes within these movements using Marxist rhetoric. Today, it seems more anarchist than traditional socialist. For many young,

self-described anarchists, the ideology may be little more than a philosophical pretense to wear black and raise hell.

Like the extreme far-left, the extreme far-right does not represent a single ideology but rather a collection of attitudes and related causes. These include anti-Semitism, anti-Muslim sentiment, fears of replacement by imported minorities, opposition to immigration, anti-feminism, anti-gay sentiment, anti-abortion sentiment, opposition to restrictions on private gun ownership, and fervent opposition to the federal government. Some of these prejudices are part of a long-running current in American history, dating back to the founding of the Republic. In response to societal stress, the current grows wider. Recent additions include involuntary celibates and those influenced by conspiracy theories on the internet. At the same time, the pandemic has resulted in a growing alliance between anti-vaxxers, or those opposed to COVID restrictions, and the extreme far-right, who see each other as a threat.¹⁹

A.1.B. Structure (How they are organized)

WCN is a movement that draws participants from various domestic terrorism groups under one common purpose, to unite the white race and reclaim the nation for God. In their views, WCN sees the white race as being on the brink of genocide by the increase of non-white citizens and immigrants. For example, towards the end of 2021, a growing number of Haitian refugees were making their way through the Texas borders and catching the attention of the mainstream media. This situation prompted media personalities, including Tucker Carlson, to express concerns shared by right-wing groups about a potential immigrant invasion. There was a

¹⁹ <https://ctc.westpoint.edu/feature-commentary-elements-of-a-pragmatic-strategy-to-counter-domestic-political-violence/>

widespread belief that immigration would benefit the left during elections, giving rise to the "great replacement theory" among conservatives.

According to the Global Project Against Hate and Extremism (2021), one of the most dangerous racially motivated violent extremist ideology conspiracy theories is the "Great Replacement Theory." It is a white supremacist, xenophobic, and anti-immigrant concept that holds that immigrants, Muslims, and other people of color are replacing white people in their so-called "home" countries. The excellent replacement theory's central tenet is that specific schemes are hatched to undercut or destroy the American people. Followers of this theory intend to confront the growing political power and culture of non-white people in Western countries through violent rhetoric of migrant invasion, voter replacement, and antisemitism.

Frenchman Renaud Camus, who frequently accuses the "elite" and Jews of directing demographic changes, developed the Great Replacement theory. The theory gained traction in 2011 when Camus published "Le Grand Remplacement," which helped spread the idea across Europe like wildfire through various transnational white supremacist organizations and their social media accounts.

Believers in the Great Replacement Theory have been responsible for several mass casualty terrorist attacks recently²⁰. For example, the 2017 violence during white supremacist riots in Charlottesville, Virginia, where racists chanted, "Jews will not replace us" and "You will not replace us." One anti-racist activist was murdered in a car-ramming attack, and dozens were injured. In 2018 the attack on the Tree of Life synagogue in Pittsburgh, Pennsylvania, where the

²⁰ [The Great Replacement - Global Project Against Hate and Extremism \(globalextrmism.org\)](https://globalextrmism.org/)

shooter was targeting the offices of the Hebrew Immigrant Aid Society (HIAS), a Jewish agency that for decades has worked to resettle refugees. This attack resulted in eleven people being murdered. The following year, 2019, one of the most violent years in racially motivated violent extremist attacks according to the FBI, a gunman specifically chose Cielo Vista Walmart in EL Paso, Texas, because of the large population of Latin American immigrants. This attack resulted in twenty-three people murdered. Only to follow by the 2019 shooting at a Poway, California, synagogue, which the gunman chose because he believed Jews were planning a “genocide” of Europeans.

Authors like Stewart (2021) explained that what makes this movement concerning is its strength which lies in its closely interconnected network of right-wing groups and its use of social media and other messaging platforms. In addition, the movement employs sophisticated tactics, tools, and training to advance its common political agenda, purpose, and supremacy of the white race. According to Gorski (2021), white Christian nationalists must, therefore, “take back the culture” and “the country.” According to the viewpoint presented by Gorski (2021), individuals who identify as white Christian nationalists experience a strong desire to take back control of both their nation and its cultural values. The idea that God created America for white people cemented the thought that a more equal, inclusive, and diverse society threatened their way of life—subsequently justifying the movement of WCN to “take back” their country by any means necessary.

Followers of this theory intend to use violent rhetoric of migrant invasion, voter replacement, and antisemitism to confront the growing political power and culture of non-white people living in Western countries. The movement's strength is its closely-knit network of right-wing groups, use of social media and other messaging platforms, sophisticated tactics, tools,

training for a common political goal, and white supremacy (Stewart, 2021). According to Gorski (2021), white Christian nationalists must "reclaim the culture" and "the country" to maintain white race superiority.

A.2 Social pressure resulting in the rise of WCN identity in the 21st Century.

A.2.A. Barack Obama's election as the first Black president in 2008 and re-election in 2012

According to Jones (2022), several factors contributed to increased WCN identity over the past decade. The first factor was the election and re-election of our first Black president, which coincided with a significant shift in the demographics of America. This shift led to America no longer being a majority white Christian nation in the early 21st century.

In a survey conducted by the Public Religion Research Institute (PRRI), Zoll (2017) found that the proportion of Americans who identify as white and Christian has decreased to 50%. Numerous elements are playing a role in the decrease, with immigration and an increasing population of individuals who do not adhere to established faiths being among them. An interesting change has taken place within Christian traditions in the U.S. The spectrum of membership has shifted, with a decrease in predominantly white mainline Protestant denominations like Presbyterians and Lutherans and an increase in the Latino presence within the Roman Catholic Church. The Catholic Church is experiencing a decline in non-Hispanic white members, while the leadership of white evangelicals is also decreasing.²¹

During the economic recession and following the election of the first Black president, among other domestic and international issues, right-wing extremists found a ripe environment

²¹ White Christian <https://www.pbs.org/newshour/nation/white-christians-now-minority-u-s-population-survey-says> are now a minority of the U.S. population, survey says | PBS NewsHour

to radicalize and attract like-minded individuals to their cause. They were exacerbated with the presidential election of 2008, when Barack Obama was elected, bringing to the forefront the concerns regarding racial divisiveness in America. The 2008 Obama election not only helped crystalize these concerns but also increased the racial aspects of the belief that non-whites defy Christian "morals" and strive to deprive Christians of their way of life. Furthermore, WCN pointed to laws like Obamacare, which they wrongly portrayed as directed at aiding only non-whites and call our gun control as evidence of their way of life slipping away, fueling their animosity and extremism.

WCN is still a prevalent phenomenon today, as shown by the January 6th attack on the Capitol, where numerous protesters carried crosses, flags, and banners with white Christian nationalism slogans on them. Some protesters were also connected to organizations like the Proud Boys, a far-right group that supports white supremacy, misogyny, and violence. WCN does not represent all Christians or all white Americans. It is a distinct ideology with a long history and a potentially dangerous impact on American democracy and society. To counter its influence and promote a more inclusive and pluralistic vision of America, it is critical to understand what it is, where it comes from, and how it operates.

Bonikowski (2022) states that opportunistic politicians consolidate incipient fears into crises. They contend that everything people see as wrong with the country is part of the same problem that can be blamed on non-Christians. White Christian nationalism, according to Onishi (2023), is a cultural identity marker rather than an established ideology or a coherent theological belief system. And it has nothing to do with personal religious practice or denominational affiliation. This explains why there was so much Christian imagery and symbolism at the Jan. 6

insurgency. "Jesus is My Savior - Trump is My President," reads one of the most famous religious banners on display.

A.2.B Trump Era

In the 2016 presidential election, Donald Trump's campaign centered on speeches about the steelworkers and the industry crisis in the Rust Belt. The Rust Belt strongly opposed the introduction of a new economy and multicultural society driven by neoliberal policies. The combination of free trade policies, financialization, and identity politics is often linked to the factors that led to the decline and crisis of the Rust Belt.²² Many experts point to a complex array of factors that led to the decline and eventual crisis of the Rust Belt. All these factors played a role in shaping the economic and social landscape of the Rust Belt and continue to have a lasting impact on the communities that call this region home.

A discernible reduction in regional identity was observed throughout the recent presidential election, particularly in the Midwest. This was due to the overshadowing effect of the declining perception of the post-industrial Rust Belt. The idea that economic changes have left white Americans feeling embattled and forgotten, exacerbating the threats to American prosperity and greatness.²³

Similarly, the perceived lack of government action about restricting immigration incited individuals on the fringe to act with their own hands by using violence to protect our borders in states like Arizona and Texas. Furthermore, the embrace of progressive attitudes towards

²² <https://www.newsweek.com/how-rust-belt-delivered-trump-presidency-deep-dive-522091>

²³ <https://www.newyorker.com/news/benjamin-wallace-wells/donald-trump-and-the-idea-of-the-rust-belt>

sexuality and the inclusion of LGBTQ+ culture has intensified the anxiety of WCNs (White Christian Nationalism) over losing their dominance as the supposed superior race.

The rise in discrimination and prejudice against minorities and marginalized groups is cause for concern. There has been a disturbing trend of hatred and racism directed at minorities and various groups, primarily attributed to the influence of the WCN. According to Whitehead and Perry (2021), subscribing to WCN increases the likelihood of accepting racist explanations for various phenomena, such as COVID-19, opposing interracial marriage, and other grievances. WCN supporters believe Black Americans deserve to be treated with police brutality; thus, violence against their race and socioeconomic inequality is justified due to their shortcomings.

According to McCord's analysis (2022), the anti-government movement experienced a resurgence following the 2016 election of Donald Trump. His "drain the swamp" slogan gained popularity, and his hostile stance towards Muslims and immigrants allowed for the open expression of hateful sentiments.

Trump, with his "Make America Great Again" formula, the anti-Muslim ban, the focus on immigration, and despicable innuendoes to minorities, incited and increased violent rhetoric and violence from WC nationalists. They saw Trump as a religious savior – the only person who could restore order and protect white people's God-given place of superiority in the nation. Trump played into the fears and racial anxieties of the right-wing extremists.

The Trump "Make America Great Again (MAGA)" formula cemented the tropes in the Great Replacement Theory. This theory refers to the idea that liberals, such as Democrats, increase immigration as part of a conspiratorial plot to destroy or undermine white Americans.

More interestingly, multiple iterations of the “great replacement” had been and continue to be central to members of the far-right violent extremist ideas such as WCN.

Furthermore, according to recent data obtained by Public Religion Research Institute (PRRI), only 29% of Americans agree, immigrants are invading our country and replacing our cultural and ethnic background. However, as Jones (2023) added, that number rises to dangerous levels among a range of groups comprising the conservative base in United States politics; 67% among those who say they most trust Fox News; 65% among QAnon believers; 60% among Republicans; 50% among white evangelical Protestants, and 43% among white American without a college degree. In addition, Jones (2023) stated there is an overlap between white Christian nationalism and the replacement theory associated with higher support for political violence among whites.

The August 2017 "Unite the Right" rally in Charlottesville, Virginia, foreshadowed increased illegal militia activity (McCord, 2022). But it was more than that; the alliances, networks, and mixed ideologies coalesced into a movement on January 6 that began what can be described as the road to the insurgency. When white supremacists, neo-Nazis, neo-Confederates, and other hate groups wreaked havoc in Charlottesville, Virginia, under the prominent slogan "You Will Not Replace Us," it represented a unifying moment for the white supremacist belief that the white race was on the verge of extinction due to an influx of non-white and Jewish people. As McCord (2022) described, “Just as the rally was an opportunity for newly energized

white nationalist groups to step out of virtual space and into physical space, it was an opportunity for the militia movement—also newly energized—to stake out its place.²⁴

All through the Trump presidency, there was an increase in violent attacks on Black Americans and Jewish minorities. For example, in October 2018, Robert Gregory Bowers killed eleven people. They injured six others at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, inspired by fears that Jews were supporting "caravans" of immigrants crossing the southern border, a theory promoted by Fox News and Trump in the run-up to the 2018 midterm elections.

After traveling from his hometown, a racially motivated violent extremist shot and killed 23 people of Hispanic descent at a Walmart store in El Paso, Texas, in August 2019. Not only was this crime committed by a white male, but it was inspired by the actions of others like Brenton Tarrant, who killed 51 Muslims in a mosque in Christchurch, New Zealand, in March 2019. The perpetrator was motivated by prejudice against minorities and fueled by the prospect of a Hispanic invasion of Texas.

On May 25, 2020, George Floyd, a Black American killed by Derek Chauvin, a white police officer, ignited a wave of national protests. For the most part, the protest was peaceful, but a small part of the demonstrations clashed with police and engaged in rioting and looting (Gorski and Perry, 2022). This led to white vigilantes and armed militias justifying the need to serve as protectors of the police force and property in different states.

Shortly after, on August 25, 2020, a 17-year-old white man-Kyle Rittenhouse- traveled from Antioch, Illinois, to Kenosha, Wisconsin, to unite with militant groups in protecting the

²⁴ <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2022/04/House-Select-Committee-ICAP-expert-statement-FINAL.pdf>

police. That evening, Rittenhouse, armed with an assault rifle, took the life of two people and wounded others—threatened by the idea that whiteness was losing power and animated by Trump’s rhetoric about the federal government being part of the elites. Rittenhouse was supported by Trump and the Republican base, who crowdfunded his bail and legal defense. Rittenhouse was eventually acquitted of murder following a jury trial.

According to Armaly, Buckley, and Enders (2021), the 6th of January was a well-organized violent attack on the US Capitol building. According to Smietana (2021), in the days leading up to January 6th, 2021, Trump supporters expressed their displeasure with the election results and marched using biblical references to justify violence against voters.²⁵

During the Trump era, division and exploitation of religion were central to the discourse of the so-called MAGA movement. Dehumanizing Muslims and labeling them as all terrorists and risks to national security, Trump made his rhetoric accessible to all like-minded individuals using Twitter feeds. This encapsulated his hostility and lack of understanding of Islam by spreading a widely debunked myth that “a method hostile to Islam—shooting Muslims with bullets dipped in pig’s blood— should be used to deter future terrorism.” (Abdelkader, 2021).

During this time, two so-called Million MAGA Marches in Washington, D.C., on Nov. 14 and Dec. 12, 2020, were coordinated and attended by the same groups that converged for the Jan. 6 assault on the Capitol. Million MAGA Marches featured numerous unlawful behavior and limited instances of violence, including explicit fighting and stabbings. Smaller far-right events

²⁵ <https://www.christianitytoday.com/news/2021/january/jericho-march-dc-election-overturn-trump-biden-congress.html>

took place nationwide in November and December, in capitals and states with close election results, escalating the movement. (DFRLab of the Atlantic Council, 2021)²⁶

Significantly, the rhetoric and the discriminatory actions such as the Muslim ban and other policies enacted by Trump carried a heavy weight into the sphere of social, political, and economic ramifications leading to increased violence in subsequent years. As Abdelkader (2021) mentioned, Trump reinforced misconceptions about Islam as a violent religion, the intolerance, fear, and hostility toward a marginalized minority faith community.

The Trump presidency was marked by racism, xenophobia, intolerance, and discrimination against Hispanics, Latinos, African Americans, and other marginalized groups. According to Abdelkader (2021), former President Trump's rhetoric leading up to the January 6th insurgency created widespread fear, racial tensions, and further divisions. His language also included promises that institutionalized Islamophobia while dehumanizing and disparaging other races.

Part A.3: The connection between WCN and January 6th

The January 6th assault on the Capitol Building raised legitimate concerns about threats to democratic institutions and the possibility of further political violence. Still, it also complicates any response strategy to that violence. The attack on the Capitol Building attempted to disrupt the transfer of power and overturn the presidential election results. More than 900 people were charged with crimes ranging from misdemeanors, such as demonstrating in a Capitol building, to felonies, such as criminal assault causing bodily harm.

²⁶ <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>

The attack was violent: people were killed, and many were injured. More violence was threatened, with chants of "Hang Mike Pence!" The assault was intended to influence government behavior and advance the perpetrators' political goals. Some defendants still think they were acting under President Trump's orders.²⁷

The words of Former President Donald Trump had a role to play in the events that transpired on January 6th. During his remarks on the Ellipse on January 6th, he urged his supporters to march to the Capitol as Congress was certifying the election results, "We fight like hell. And if you don't fight like hell, you're not going to have a country anymore," he said.²⁸

Our brightest days are before us. Our greatest achievements still wait. I think one of our great achievements will be election security because nobody until I came along, had any idea how corrupt our elections were. And again, most people would stand there at 9:00 in the evening and say, "I want to thank you very much," and they go off to some other life, but I said, "Something's wrong here. Something's wrong. Can't have happened." And we fight. We fight like hell, and if you don't fight like hell, you're not going to have a country anymore.²⁹

To WCN, these remarks by former president Donald Trump sounded like a call for war. In the WCN follower's minds, the United States is becoming less white, less Christian, and less powerful; but is somewhat more diverse, secular, and cosmopolitan.³⁰ Therefore, the growing pressure of a more diverse country exacerbates WCN's feeling of the need to take back their country by force of violence if necessary. Violence in the minds of WCN, as explained by Gorski and Perry (2022), is the most fundamental expression of freedom and order; therefore, violence is righteous and justified and should not be prosecuted.

²⁷ <https://ctc.westpoint.edu/feature-commentary-elements-of-a-pragmatic-strategy-to-counter-domestic-political-violence/>

²⁸ <https://www.npr.org/2021/02/10/966396848/read-trumps-jan-6-speech-a-key-part-of-impeachment-trial>

²⁹ <https://s3.documentcloud.org/documents/20475169/trump-speech-jan6.pdf>

³⁰ Davis and Perry (2020), McDaniel (2011), Shortle and Gaddie (2015), Whitehead and Perry (2015), Perry (2019)

On January 6th, protestors displayed a variety of ideologies and affiliations with other white supremacy groups. Religious symbolism, such as crosses, images of Jesus Christ, and Proud Boys kneeling in prayer, encompassing the God-given right to take over the Capitol building by force.

According to Neumann (2021), many people on the far right are linked to white Christian nationalism, which teaches that America is not only a Christian nation but also God's chosen nation. Those who follow this ideology believe that taking over the Capitol and blocking Biden's nomination to replace Trump as President is the only way to keep power and preserve their way of life. Taking over the Capitol building was a success for the WCN's "white supremacists" and "anti-government extremists," according to Newmann (2021).

Recent events have highlighted our country's deep polarization and division. The degree of radicalization among the Stop the Steal movement organizations varied. Extremely partisan pro-Trump activists and particular media outlets were among them. It was a collection of various organizations and disparate groups rather than a single cohesive entity. Despite its lack of cohesion, the movement significantly impacted American political discourse during the 2020 presidential election.

Even though most of the audience consisted of ordinary people who identified as Trump supporters, members of extreme groups were present during Trump's speech and march through the Capitol. For example, members of the Neo-fascist Proud Boys were among the most violent and organized factions, even during presidential elections. The Proud Boys is an organization with chapters dedicated to racism and political violence against non-conservatives and leftists.

On January 6th, individuals in attendance were affiliated with the Three Percenters movement, known for their past confrontations with the government in Bunkerville, Nevada, and

Waco. This group advocates for the use of violent force to overthrow oppressive regimes. Furthermore, other far-right extremists, including QAnon, Boogaloo Bois, and loosely organized anti-government groups, joined in the armed insurrection and took a stand against what they perceived was an overreach by the federal government of their constitutional rights.³¹

Despite their similarities, the groups maintained their distinct online involvement and collaboration. During the election season, their unity was heightened by a series of interconnected crises. Protests against COVID-19 public health restrictions were among them, as were counter-protests to the primarily peaceful racial justice protests throughout the summer of 2020. Before and after Election Day, the convergence became complete around the Stop the Steal movement, inexorably escalating toward the insurgency on January 6th.

What united these factions despite varying degrees of radicalization? False information regarding the outcome of the 2020 election and unwavering allegiance to Trump, frequently magnified by the former president himself, fueled the movement's escalation towards violence.³² What brought all these different diasporas of white supremacists' adherents together was the promise of taking back America and making it great again, remarks of Trump, and the end of the white race due to the diverse population. For many of these far-right group members, Trump was the only person capable of taking back their promised land, which made themselves God's warriors against evil.

The online spaces they collectively occupied and leveraged allowed for quick coordination and escalating engagement across various movements along the spectrum of far-

³¹ <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>

³² <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>

right radicalization and conspiracy groups.³³ During the January 6th investigation, the FBI learned how groups like Oath Keepers and Proud Boys were communicating, organizing, and planning to disrupt the peaceful transfer of power by conspiring to overthrow the government using force against law enforcement. The actions of both groups resulted in the 2022 indictment, which charged the leaders, Stewart Rhodes and Enrique Tario, as well as other members, with seditious conspiracy. Seditious conspiracy is a crime in which two or more people agree to incite imminent lawless action against the government and commit at least one overt act against it. Even though it is a severe charge that, if convicted, can result in a sentence of up to twenty years in prison, it has only been done a few times.

The seditious conspiracy charge was last used in 1995. Sheikh Omar Abdel-Rahman, an extremist Egyptian cleric living in the United States, and nine others were found guilty of seditious conspiracy and other charges concerning bombing attacks on New York landmarks, including the FBI building. Members of the Puerto Rican Nationalist Party, a domestic violent extremist organization, opened fire on the House of Representatives in 1954, injuring five members. Domestic violent extremists advocated for Puerto Rican independence from the United States. The shootings were led by the leader, a young woman named Lolita Lebron. They were charged and convicted of several federal offenses, including seditious conspiracy.

There is a somewhat shared, yet unique, element common to the broad spectrum of domestic terrorism groups committed to violent extremism in the United States that makes this challenge even more complicated.³⁴ The way groups on the wide range of WCN and followers operate, as small groups of autonomous cells spread across the country but loosely connected by

³³ <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>

³⁴ [Domestic violent extremism and the intelligence challenge - Atlantic Council](#)

sharing the same ideology and spreading their beliefs using social media platforms, has better positioned them to withstand the traditional current policy, law-enforcement, and intelligence framework.

Part B: Current institutional and policy framework in the FBI for addressing domestic terrorism.

Part B.1: FBI Structure for domestic terrorism

The FBI is the nation's lead federal law enforcement agency for investigating and preventing acts of domestic and international terrorism. It is also responsible for specific terrorism-related offenses such as airport violence, money laundering, attacks on US officials, etc. The FBI works closely with the Director of National Intelligence and other U.S. intelligence agencies to gather and analyze intelligence on terrorism and other security threats. The FBI's top priority is protecting the United States and American citizens and interests worldwide from terrorist attacks.³⁵

The FBI is divided into functional branches, each with its own set of missions. While they were all focused on different tasks, the National Security Branch (NSB) oversees the Counterterrorism Division (CTD) as the framework for terrorism investigations. How to distinguish between domestic terrorism and international terrorism? The distinction between domestic terrorism and international terrorism is determined by how the terms are defined and the criteria used to differentiate them. This question has several approaches, including legal, logistical, and ideological perspectives.

³⁵ <https://www.fbi.gov/about/faqs/what-is-the-fbis-role-in-combating-terrorism>

From a legal perspective, the FBI defines domestic terrorism as violent, criminal acts committed by individuals and groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature, and occurring primarily within the territorial jurisdiction of the United States³⁶. International terrorism, on the other hand, is defined as violent, criminal acts committed by individuals and groups who are inspired by, or associated with, designated foreign terrorist organizations or nations (state-sponsored) and involving actions that transcend national boundaries in terms of how they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.³⁷

From a logistical perspective, the Global Terrorism Database (GTD)³⁸ defines an attack as logistically international if the nationality of the perpetrator group (all individuals) differs from that of the attack location. Attacks are logistically domestic if carried out in the home country of any individuals in the terrorist group.³⁹ For example, the 9/11 attacks were logistically international because the perpetrators were mainly from Saudi Arabia and other countries, while the attack location was in the United States. The Oklahoma City bombing was logistically domestic because the perpetrators were U.S. citizens, and the attack location was in the United States.

³⁶ Ibid

³⁷ [The War Comes Home: The Evolution of Domestic Terrorism in the United States \(csis.org\); Far-right terror poses bigger threat to US than Islamist extremism post-9/11 | US news | The Guardian](#)

³⁸ The Global Terrorism Database (GTD) is a repository for terrorist incidents dating back to 1970. The list was extended through 2019, recording over 200,000 incidents as of May 2021. The National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland, College Park in the United States maintains the database.

³⁹ [FACT SHEET: National Strategy for Countering Domestic Terrorism | The White House; Far-right terror poses bigger threat to US than Islamist extremism post-9/11 | US news | The Guardian](#)

From an ideological perspective, the GTD defines an attack as ideologically international if the perpetrators' nationality differs from the nationality of their targets. The attack is ideologically domestic if any perpetrators are of the same national origin as their target.⁴⁰ For example, the 2015 Paris attacks were ideologically international because the perpetrators were mainly from Belgium and France, while their targets were French citizens and other nationals. The 2016 Orlando nightclub shooting was ideologically domestic because the perpetrator was a U.S. citizen, and his targets were mostly U.S. citizens.

These are some potential distinctions between domestic and foreign terrorism, but they are neither mutually exclusive nor all-inclusive. Attacks might occasionally satisfy multiple criteria or none. Therefore, when comparing and analyzing various forms of terrorism, it is crucial to understand the definitions and standards being applied. Regardless of how one views terrorism, the field offices and their designated teams, known as Squads, are primarily responsible for this. The primary duty of the squad members is to stop any terrorist attack, as defined by Title 18, U.S.C. 2331 (5), both domestic and foreign.

Part B.2 FBI Investigations and intelligence collection policy for Domestic Terrorism

B.2.A Attorney General Guidelines (AGG)

The Attorney General Guidelines (AGG) for domestic terrorism FBI operations, as revised by subsequent AG orders and memos (AGG-Dom), apply to investigative and intelligence collection activities conducted by the FBI within the United States jurisdiction. The guidelines provide the FBI with complete utilization of all authorities and investigative methods

⁴⁰ [FACT SHEET: National Strategy for Countering Domestic Terrorism | The White House; Far-right terror poses bigger threat to US than Islamist extremism post-9/11 | US news | The Guardian](#)

for protecting the people from terrorism and other threats to national security consistent with the Constitution and laws of the United States.⁴¹ The guidelines ensure consistency with policy in the investigations, enabling the FBI to act appropriately under the law. However, precisely one of the principal legal constraints the FBI has operated under has been the Attorney General Guidelines.⁴²

The Guidelines were changed under Attorney General Ashcroft to remove the prerequisite of a reasonable suspicion of criminal activity before observing First Amendment-protected activities and organizations.⁴³ Attorney General Mukasey's 2008 regulations established a new classification of "assessments" in which agents are allowed to employ tactics that were previously only permitted in predicated investigations, that is, investigations in which there is some factual basis to suspect wrongdoing (such as 24-hour physical surveillance, the use of informants, and the use of "pretext interviews").⁴⁴

The broad operational spheres that the AGGs cover include the FBI's conduct of investigative and intelligence-gathering activities, including cooperation and coordination with other components and agencies in such activities, as well as the FBI's intelligence analysis and planning responsibilities. Many of these Guidelines' provisions outline the rules and specifications for this coordination.⁴⁵ Under the AGG regulations, the FBI can also launch various investigations, including assessments, preliminary inquiries, and full investigations. In

⁴¹ <https://www.justice.gov/archive/opa/docs/guidelines.pdf>

⁴² <https://oig.justice.gov/sites/default/files/>

<https://oig.justice.gov/sites/default/files/archive/special/0509/chapter2.htm#:~:text=Attorney%20General%20Edward%20Levi%20issued,effective%20on%20April%206%2C%201976archive/special/0509/chapter2.htm#:~:text=Attorney%20General%20Edward%20Levi%20issued,effective%20on%20April%206%2C%201976>

⁴³ <https://www.brennancenter.org/our-work/research-reports/comments-submitted-privacy-and-civil-liberties-oversight-board>

⁴⁴ <https://www.brennancenter.org/our-work/research-reports/comments-submitted-privacy-and-civil-liberties-oversight-board>

⁴⁵ <https://www.justice.gov/archive/opa/docs/guidelines.pdf>

accordance with the domestic investigative operations guidelines (DIOG), each level of the inquiry required a specific amount of foresight or an authorized purpose.

B.2.B Domestic Investigative Operations Guidelines (DIOG)

The Domestic Investigative Operation Guidelines (DIOG) are the blueprint for the FBI to conduct investigations. The DIOG gives the FBI the authority to investigate different threats domestically by outlining the other grounds for the types of investigations. The DIOG then provides the standards for opening or approving the different kinds of investigations by establishing adequate prediction in each stage, and the protection of civil liberties, ensuring that inquiries are not opened solely based on the first amendment, gender, ethnicity, national origin, etc.

The FBI has different formal stages when considering opening an investigation: an assessment, a preliminary or full investigation, and enterprise investigations.⁴⁶ In each phase, specific requirements and authorities must be met to proceed. According to the Brennan Center for Justice (2013), the AG guidelines have been modified over the last decade to give the FBI broad latitude and authority in conducting predicated investigations, from assessments to preliminary or full investigations.⁴⁷ In the assessment stage, an investigation can be initiated without any indication of terrorist or criminal activity if it has an authorized purpose. In the context of an FBI investigation, the term authorized purpose refers to the legal reason the agency is investigating an individual, entity, or organization in some cases or applying any investigative tools. An authorized purpose exists because it is an important safeguard to ensure the FBI operates within the law's bounds to protect individuals' constitutional rights and privacy.

⁴⁶ <https://www.yahoo.com/entertainment/revealed-internal-fbi-documents-show->

⁴⁷ <https://www.brennancenter.org/our-work/research-reports/just-what-fbi-investigation-fact-sheet>

The assessments do not require a particular factual predication but need an authorized purpose and clearly defined objective(s) as defined in the DIOG under the authority of the AGG guidelines. The Assessment aims to detect, obtain information about, or prevent or protect against Federal crimes or threats to national security or collect foreign intelligence. Even with open assessments, the FBI has the least investigatory authority. The FBI has the availability to obtain public information using a confidential human source (CHS) or the use of an undercover (UCE); search through internal records for any derogatory information; conduct non-custodial and custodial interviews; conduct limited physical surveillance; and emergency disclosure subpoenas to electronics communications.

Assessments authorized by Subpart A of the AGGs for FBI domestic operations require an authorized purpose but not any factual predication. For example, to carry out its central mission of preventing the commission of terrorist acts against the United States and its people, the FBI must proactively draw on available sources of information to identify terrorist threats and activities. It cannot be content to wait for leads to come in through the actions of others but rather must be vigilant in detecting terrorist activities to the full extent permitted by law, with an eye towards early intervention and prevention of acts of terrorism before they occur.⁴⁸

For example, FBI field office X opened an assessment into possibly racially motivated violent extremist individual or moniker greatwar@creativityreligion.com, who sent an email to a news outlet advocating for “violence” against minorities and including statements such as “Come on true believers, Kill every Jew you see!!” “RAHOWA. ” Although there is no specific target or planning of an attack against Jewish and minorities, the statements have a defined purpose and objective. This will trigger the FBI to open an assessment and seek information proactively

⁴⁸ <https://www.justice.gov/sites/default/files/ag/legacy/2008/10/03/guidelines.pdf>

relating to activities or involvement or role of the individual (s), groups, or organizations involved in activities that may constitute violations of federal criminal law or threats to national security.

The threshold for opening an assessment is almost nothing. All an investigator needs are an “authorized purpose” and a “clearly defined objective.” It does not require a higher burden of proof to initiate the preliminary steps to investigate a person. The assessment starts with thirty days without supervisory approval and must be extended every thirty days up to 180 days. During an assessment, the FBI can recruit informants to monitor suspects, question people without revealing the agent’s identity, search commercial and government databases, and conduct physical surveillance of a person’s public movements.

The second level of investigation is the predicated investigations concerning federal crimes of threat to national security. These types of investigations are subdivided into two categories: Preliminary investigation (PI) and Full investigations (FI), with a distinct basis for prediction.⁴⁹ As explained in the DIOG, preliminary investigations can be opened based on “allegation or information” of a criminal activity or threats to national security to obtain and detect information danger to national security. It cannot be opened solely on First Amendment-protected activity or solely based on race, ethnicity, national origin, religion, gender, etc., to protect civil liberties.

The following subcategory is the Full Investigations which require a higher level of authorization based on an “articulable factual basis” of possible federal crimes or threats to national security. The full investigations must have a sufficient predication to be opened, and the PI cannot be based solely on the exercise of First Amendment-protected activities.⁵⁰

⁴⁹ file:///C:/Users/ruizl/Downloads/FBIDomesticInvestigationsandOperationsGuideDIOG2016VersionPart01of02.pdf

⁵⁰ file:///C:/Users/ruizl/Downloads/FBIDomesticInvestigationsandOperationsGuideDIOG2016VersionPart01of02.pdf

In each type of investigation, the FBI has certain investigative authorities that comport to specific standards, giving the FBI the tools to initiate intelligence collection on a suspect. For example, under a PI and FI, the FBI had a broad spectrum of investigative methods to conduct more investigations, from the less intrusive to the more intrusive. For example, the FBI can do physical surveillance for an extended time longer than 72 hours, physical searches of personal or property with or without a warrant or court order in situations where there is no reasonable expectation of privacy, consensual monitoring of communications, polygraph examinations, and undercover operations among other methods.

Combating domestic violent extremists entails enforcing the law using the authorities delegated to the FBI by AGGs and the DIOG to protect American citizens' lives by preventing terrorist attacks. Why, with all these authorities, did the FBI fail to prevent the Capitol building attack on January 6th? Combating domestic terrorism entails maintaining legal safeguards against ideologically or politically motivated violence, regardless of political beliefs. For the FBI, it had to be much more than a political spectrum, but understanding the grievances and concerns that embolden people on the far-right or far-left to resort to violence.

Part C FBI actions for countering the rising threat of domestic violence extremists.

The road to January 6th attack on the Capitol building.

What type of intelligence products the FBI had before January 6th?

Sanborn claims that the FBI and the Department of Homeland Security (DHS) collaborated on approximately 12 intelligence products before the January 6 Capitol building uprising, which was shared with federal, state, local, tribal, and other law enforcement partners and identified threat reporting and criminal activity involving domestic violent extremism. The intelligence gathered during the protests, rallies, and events held during the summer of 2020

provided the FBI with information about a potential increase in domestic violent activity in various states across the United States.

Sanborn continued, "As a result, in June 2020, we issued two separate Joint Intelligence Bulletins with our partners at the Department of Homeland Security ("DHS") highlighting the potential for increased violent extremist activity at such demonstrations and noting that likely targets would include law enforcement and government personnel." More recently, in late August 2020, we published an analytical report informing our partners that domestic violent extremists with partisan political grievances were likely to pose a more significant threat in connection with the 2020 election.⁵¹ In contrast, the FBI's preparations until January 6th revealed the FBI's actions of minimal reporting of the potential for threat in a formal intelligence product to state, local, tribal, or other federal agencies.

At the top of the two agencies, FBI and DHS, the questions remained about what actions were taken before the January 6 attack on the Capitol building. Jill Sanborn, the top intelligence official for the FBI, acknowledged in her testimony *"that while the FBI had intelligence indicating that Trump supporters were traveling to Washington on January 6 and could be armed, "none of us had any intelligence suggesting or indicating that individuals were going to storm and breach the Capitol."*⁵²

Sanborn stated at a hearing on March 3, 2021, that the violence and destruction of property at the United States Capitol building on January 6th demonstrated a blatant and appalling disregard for our institutions of government and the orderly administration of the democratic process. Furthermore, the FBI will not tolerate violent extremists who engage in

⁵¹ <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Sanborn-2021-03-03.pdf>

⁵² https://www.voanews.com/a/usa_us-intel-officials-admit-they-had-no-advance-warning-trump-supporters-would-attack-capitol/6202844.html

violent criminal activity while claiming to be exercising their First Amendment rights. Property destruction and violent assaults on law enforcement officers betray the values of our democracy.⁵³

On June 23, 2021, FBI Director Christopher Wray was questioned regarding what intelligence the FBI knew in the months leading up to the January 6, 2021, Capitol attack. *"The Bureau was aware that large groups of people would be traveling to Washington, D.C. on January 6 to protest the election and that there were some concerns about the potential for violence," Wray stated in his testimony.*" Referencing a specific intelligence report known as Situational Intelligence Report (SIR) disseminated by the Norfolk office, Wray emphasized how the FBI shared the information with law enforcement agencies, despite the intelligence content being unverified and unattributed. Sanborn also characterized the Norfolk SIR as *"information off the Internet, unattributable to a specific person."*

Following the January 6th insurgency, the FBI admitted to Congress and the American people that it had failed to prevent or fully prepare for the worst attack on the US Capitol in more than 200 years, in part due to a lack of authority and capabilities to aggressively monitor social media, where much of the insurgency planning took place.⁵⁴ On the other hand, Sanborn (2021) testified and stated unequivocally that the FBI is permitted to monitor and collect data from public sources as long as the activities are carried out for legitimate law enforcement or national security purposes and do not infringe on the speaker's or author's right to free expression.

⁵³ <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Sanborn-2021-03-03.pdf>

⁵⁴ Kroll, Andy (April 14, 2022) FBI Documents Expose Bureau's Big Jan 6 "Lie" Rolling Stone. https://www.yahoo.com/entertainment/revealed-internal-fbi-documents-show-125957428.html?guce_referrer2

Furthermore, Sanborn explained that the authorized purpose must be related to federal criminal or national security goals, typically to aid in completing an FBI assessment or investigation.⁵⁵

The statements made by The FBI in the immediate days following the insurrection and Sanborn seemed to be content. FBI agents have used public social media statements in other situations to open criminal investigations and file charges. For example, in June, NBC News reported on the cases of four people charged under an anti-riot statute based solely on social media posts in connection with the protests over the death of George Floyd in Minneapolis police custody.⁵⁶ However, that was not the case for the events leading to January 6th. In response to a question from the House Judiciary Committee, FBI Director Christopher Wray stated, "We're not allowed to... just sit and monitor social media and look at one person's posts... just in case."⁵⁷

For instance, Patrick Eddington, a senior fellow at the Cato Institute and former CIA officer, adds that FBI Director Wray's testimony last year contradicts the bureau's existing social-media tracking capabilities and broader guidelines for domestic surveillance activities.⁵⁸ According to Eddington (2022), information was widely shared, including social media data, on protestors among numerous state and federal law-enforcement agencies after George Floyd's death and throughout the summer of 2020.

⁵⁵<https://www.nbcnews.com/politics/justice-department/fbi-official-told-congress-bureau-can-t-monitor-americanssocial-n1259769>

⁵⁶ <https://www.nbcnews.com/politics/justice-department/fbi-official-told-congress-bureau-can-t-monitor-americanssocial-n1259769>

⁵⁷ [Why Didn't the FBI Review Social Media Posts Announcing Plans for the Capitol Riot? - Lawfare \(lawfareblog.com\)](https://www.lawfareblog.com/why-didnt-the-fbi-review-social-media-posts-announcing-plans-for-the-capitol-riot/)

⁵⁸ <https://www.yahoo.com/entertainment/revealed-internal-fbi-documents-show>

In addition, Eddington stated that on September 20, 2020, the FBI's Minneapolis office sent an all-staff email about demonstrations and counter-protests planned for an upcoming court hearing for the four police officers involved in the death of George Floyd.⁵⁹

In testimony before the House Oversight and Reform Committee, FBI Director Wray pointed to limits on government surveillance as a possible "lesson learned" in the months following the Jan. 6 attack on the Capitol. For a long time, we have had very specific policies in the department that govern our ability to use social media. And when we have a legal purpose and a proper plan, there are many things we can do on social media, which we do aggressively. But what we can't do on social media is monitor — just in case — without proper planning and an authorized purpose.⁶⁰

In response to allegations that communications from the social media platform Parler were shared with the FBI before the January 6 event, Director Wray stated, "I'm not aware of Parler ever attempting to contact my office." I am aware that Parler has made some remarks about its communications with the FBI since January 6. According to my understanding, they send emails to a specific field office, and some contain positive threat information. Some of them were referred to domestic terrorism squads for further investigation, and we've been reviewing the various emails that Parler sent to determine the veracity of their claims and whether another action is necessary.⁶¹

The FBI learned from the seditious conspiracy trials that members of the Proud Boys were communicating via the encrypted Telegram application. The information was obtained

⁵⁹ <https://www.rollingstone.com/politics/politics-features/jan6-fbi-social-media-privacy-black-lives-matter-1337565/>

⁶⁰ [Why Didn't the FBI Review Social Media Posts Announcing Plans for the Capitol Riot? - Lawfare \(lawfareblog.com\)](https://www.lawfareblog.com/why-didnt-the-fbi-review-social-media-posts-announcing-plans-for-the-capitol-riot/)

⁶¹ <https://thehill.com/policy/national-security/558623-wray-suggests-fbi-limits-on-social-media-monitoring-a-lesson-learned/>

through evidence obtained from the defendants' seized phones, nearly 500,000 internal messages, and the testimony of two former Proud Boys on the witness stand as cooperating witnesses.⁶²

The seditious conspiracies trials revealed communications between members of the groups about their grievances regarding the election results. Although there was no direct order from their leader to attack the Capitol, there were hints of growing rage and violence on January 6th at the Capitol. The information gathered during the FBI investigation gave a detailed account of the Proud Boys' internal communications.

However, as Dilanian (2021) explained, some civil liberties groups have expressed concerns about expanding the FBI's capabilities to conduct more intrusive methods such as social media monitoring. He referred to the repressive surveillance of American Muslims following the Sept. 11, 2001, terrorist attacks and claimed that the cost would outweigh the benefit of suppressing free speech. The FBI's policies, attitudes, and culture resulted in a significant intelligence failure to predict the Jan. 6 riot and preempt the serious criminal activity that preceded and enabled the riot."⁶³

⁶² <https://www.npr.org/2023/05/11/1175465857/extremists-groups-were-found-guilty-of-seditious-conspiracy-for-jan-6-now-what>

⁶³ Why Did not the FBI Review Social Media Posts Announcing Plans for the Capitol Riot? Quinta Jurecic Tuesday, June 29, 2021, 4:40 PM The January 6 Project, Lawfare

FINDINGS

To gather information for this paper, I spoke with experts from various fields, including academia, business, former FBI senior executives, and other federal executives with in-depth knowledge of domestic violent extremists. Their achievements range from publication in news articles and books to firsthand knowledge. During the interviews, there were commonalities among the participants regarding the threat posed by WCN. Although this paper is not an examination or judgment on the FBI's response to January 6th, the event served as an example of failures in intelligence information sharing and the challenges of some of the mechanisms established by the FBI to prevent a domestic terrorism attack. According to the interviewees, a domestic terrorism statute is needed.

Finding 1: The FBI should address the domestic terrorism program with the same rigor as international terrorism.

Despite having equivalent definitions in the United States Code, domestic and international terrorism are treated in slightly different ways when allocating resources, setting priorities, and encouraging intelligence analysts to work across the country to combat the threat of domestic terrorism. During an interview for this project, an important former FBI officer claimed that domestic terrorism never received the same resources and attention as foreign terrorism. People at the time believed that overseas terrorism posed the most serious threat.⁶⁴

The scope of these dangers and difficulties is as complicated as ever, according to FBI Director Wray (2022). In addition, there has never been a time in our history when the repercussions of failing to address and overcome dangers and challenges have been more

⁶⁴ Confidential interview.

complicated. And the consequences of failing to respond to and address risks and challenges have never been more severe.⁶⁵

McCord (2021) explained the need to treat international terrorism and domestic terrorism as one of the same and added how racially motivated violent extremists are not only confined within US borders, just as Islamist extremists are not located solely outside the United States. Furthermore, McCord (2021) emphasized the limitations of not having a federal terrorism offense in cases such as the El Paso shooting resulting in the use of other charges.

Patrick Crusius, the shooter at the Walmart in El Paso, Texas, for example, was charged with a total of 90 counts, including 23 counts of hate crimes resulting in death, 23 counts of use of a firearm to murder during and about a crime of violence, 22 counts of hate crimes involving an attempt to kill, and 22 counts of use of a gun during and about a crime of violence.

Domestic terrorism is no longer a single issue; it is a more multifaceted issue that threatens the very foundations of our democracy. The word "domestic terrorism" is ambiguous.⁶⁶ The domestic terrorism landscape has become more splintered, necessitating a greater awareness of the danger by law enforcement and the public. According to the former FBI official, "Today's DT thread differs from what we experienced when I was working on counterterrorism. We must do everything we can to protect this country against this threat."⁶⁷ The WCN presented in the Capitol Building insurgency had numerous agendas, distinct leadership, and other actors who came together drawn by Donald Trump's messaging, making it "more challenging and potentially

⁶⁵ Statement made during a hearing at the in testimony before the Committee on Homeland Security and Governmental Affairs United States Senate, FBI Director Wray (2022) <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Wray-2022-11-17.pdf>

⁶⁶ Confidential interview dated February 2, 2023

⁶⁷ Confidential interview dated February 8, 2023

lethal." ⁶⁸ Despite some intelligence regarding the many organizations attending protests in the capital of the United States, the FBI was unprepared for the event's outcome. In an interview conducted for this paper, the subject matter expert highlighted the sensitive nature of domestic intelligence efforts and the responsibility to protect civil liberties as a challenge for law enforcement agencies.⁶⁹

The FBI failed to stop a terrorist attack, which was their primary goal. Perhaps this was due to a lack of imagination about the massive event, or it could have been due to fear of public backlash. According to one of the respondents, the FBI, state, and local law enforcement were not adequately prepared for the events of January 6. According to him, the failure was not foreseeing how large the circumstances could become and seeing how violent things can become very quickly, given the violence witnessed throughout the summer of 2020 and the numerous other events and protests that led to violence, event after event.⁷⁰

Furthermore, the interviewees concurred that no matter how challenging assessing when otherwise protected activity, such as public comments, becomes evidence of potential attacks, FBI and law enforcement officers need to "follow the violence" rather than making inferences from the speeches and the public discourse.

⁶⁸ Confidential interview dated February 2, 2023

⁶⁹ Confidential interview dated February 8, 2023

⁷⁰ Confidential interview dated February 2, 2023

Finding 2: Lack of understanding of the First Amendment and protection of the freedom of speech

Freedom of speech, religion, and the press are all protected by the First Amendment of the United States Constitution. Additionally, it defends the freedom to petition the government and protest lawfully. Over the years, numerous interpretations and disagreements have been made on the First Amendment's meaning. Law enforcement must strike a balance between the threat of domestic violent extremism and the First Amendment's protection when gathering actionable intelligence. The FBI wants to protect First Amendment rights, so much so that, according to an interviewee for this study, they are almost afraid to look at anything that might be seen as restricting that freedom of association and expression due to the bureau's history of power abuses.⁷¹

It is critical to recognize that the First Amendment guarantees are not absolute. When that speech crosses the line into inciting violence to topple the government or talking about annihilating races by committing a terrorist attack, you have enough forewarning to investigate and assess the threat. The critical thing to remember is that these liberties are crucial to a democratic society because they allow citizens to express themselves, obtain information, and engage in peaceful protests without fear of government retaliation.

However, there must be a balance between civil rights and civil/private liberties interests against the strong governmental interests of preventing and protecting from violence or inciting or advocating for imminent unlawful activity violating federal criminal law.⁷²

⁷¹ Confidential interview dated March 24, 2023.

⁷² Confidential interview dated March 24, 2023.

Finding 3: The FBI needs to reduce the thresholds for opening assessments on domestic terrorism.

Understanding where hateful speech is simply speech is complex. However, the government must clearly distinguish between First Amendment-protected free speech and calling for, planning, or using violence. For example, the FBI should expand its collaboration with the technology sector to address online platforms for recruiting like-minded individuals and identify indicators of domestic violent extremist mobilization to violence. As Figliuzzi (2022) put it, free speech ends when you plot a coup against the federal government to advance your political and social agenda.⁷³ This is especially important for law enforcement agencies because it allows them to conduct preliminary assessments on potential domestic violent extremists, which will aid in identifying suspicious conduct and behaviors. Furthermore, it will enable the FBI to collaborate closely with state/local and other federal agencies by exchanging capabilities, resources, and investigative expertise to disrupt any further acts of domestic terrorism against specific groups, minorities, or government institutions.

Finding 4: The lack of a specific domestic terrorism statute makes it harder to charge subjects with domestic terrorism crimes.

A domestic terrorism statute will help close the legal gap by enforcing the same punishments as section 2332b of Title 18 when domestic violent extremists attempt or plan to commit violence, as McCord (2019) outlined. For instance, having the statute would have allowed for a domestic terrorism charge against James Fields, the incident's perpetrator, who carried out the shooting during Unite the Right, a racially or ethnically motivated violent extremists (REMVE) attack against counter-protesters; Bowers in Pittsburgh, who attacked a

⁷³ <https://www.msnbc.com/deadline-white-house/watch/figliuzzi-free-speech-ends-when-you-strategize-a-coup-attempt-136432709699>

synagogue; and Patrick Crucious, the subject of the El Paso shooting who committed mass shootings using assault rifles to advance their ideology.

All these subjects had in common that they were domestic violent extremists, but none were charged with domestic terrorism because there is no such thing as a domestic terrorism charge in the US Code. In contrast, they were accused of hate crimes under a criminal statute. They all committed a crime intended to coerce the population, influence the government by intimidation, and affect its behavior through mass destruction and assassination. However, they were not charged as domestic violent actors. Why? Because there is no federal terrorism crime that applies. Therefore, the FBI is left with using other criminal statutes to charge them. Having a domestic terrorism statute could have potential benefits for the FBI and other law enforcement agencies. The statute will give the ability to prevent attacks by enhancing the legal authorities already in existence.

What effect would a domestic terrorism statute have on domestic terrorism investigations is the question. There are numerous benefits to having a domestic terrorism law. One of the most significant advantages is that a law will allow the FBI to monitor the internet activities of people adopting terrorist ideologies at an early stage. This is accomplished by allowing for greater freedom in online observing the behavior of those who incite violence to further their political and social agendas. However, the lines between protected speech and lawless imminent action are sometimes evident, allowing for different standards and interpretations.

Therefore, it is only sometimes simple to determine whether a particular speech qualifies as incitement or protected speech. A domestic terrorism law will set the guidelines and clearly define the legal authority for law enforcement organizations to conduct investigations and take legal action against people or organizations engaging in terrorist activity. For example, the First

Amendment does not protect an individual who stands in a crowd and encourages people to start rioting and engage in violence against law enforcement officials. Civil liberties organizations and legal professionals have valid reservations about enacting a domestic terrorism law or enhancing the FBI's powers. To avoid this, domestic terrorism law must be balanced with protecting civil liberties, privacy, and free speech.

During an interview for this project, a former FBI official explained how different people feel about enacting a DT statute. It did, however, emphasize the importance of doing everything in our power to address the threat posed by domestic violent extremists as the only way forward.

We should consider the DT. Both sides have valid points of contention, but we should take every available action. We should try whatever we think will work, whether law enforcement is rethinking how we collect domestic intelligence or connecting with and speaking to communities.⁷⁴ I support addressing the federal legislation to establish criminal penalties around the offense of domestic terrorism, as a former FBI official stated in an interview for this project.⁷⁵

Other countries, such as Canada, are continuing to take steps to draft clear statutes that will allow prosecutors to address the domestic terrorism threat; this is not the case in the United States. For example, under Canada Statute 83.18(1), any person who knowingly participates in or contributes to, directly or indirectly, any activity of a terrorist group to enhance the ability of any terrorist group to facilitate or carry out a terrorist activity is guilty of an indictable offense and liable to imprisonment for a term of not more than ten years.⁷⁶

The Canadian statute not only identifies anyone who is participating in the activity of a terrorist group but also includes the charge, which is not included in the US definition of terrorism. Director Wray testified: “The FBI uses all available tools *to combat domestic terrorism*.”

⁷⁴ Confidential interview dated February 8, 2023

⁷⁵ Confidential interview dated February 8, 2023

⁷⁶<https://www.bing.com/search?q=Canada+Statute+83.18%281%29&form=STNWSB&refig=aea22f220d0d4b5e9b0b13e953538893&mkt=en-us&ocid=msedgntp>

These efforts represent a critical part of the National Strategy for Countering Domestic Terrorism, released in June 2021, and set forth a comprehensive, whole-of-government approach to address the many facets of the domestic terrorism threat.”⁷⁷

Furthermore, regardless of the ideology involved, a federal terrorism statute that covers violent crimes committed within the boundaries of the United States and committed with one of the motives outlined in the definitions of domestic and international terrorism would offer concrete information about the domestic terrorism threat and aid in the identification, deterrence, and prevention of future attacks.

Finding 5: Lack of Headquarters oversight and DOJ regarding domestic terrorism investigations led to intelligence gaps in the field offices’ investigations.

According to a former FBI official, the field offices handle most of the domestic terrorism investigations with little to no oversight from the operations sections at Headquarters; many cases went forward without any significant involvement or even awareness by the national security division at DOJ because those cases that the agents had to resolve quickly maybe even locally criminally on state charges with things like weapons charges.⁷⁸

Unlike the international terrorism program, which is more centralized in headquarters, supported by a National Joint Terrorism Task Force (NJTTF), and has DOJ oversight and involvement, the domestic terrorism program worked at the field office level. This resulted in a more diffuse effort to identify the trends and threats in the different areas of responsibility. Each field office had most of the authority to designate what type of cases they wanted to work on,

⁷⁷ Statement of Christopher A. Wray – Director of the Federal Bureau of Investigation- before the Committee of Homeland Security and Governmental Affairs, United States Senate. Hearing entitled “Threats to Homeland” presented on November 17, 2022. Accessed online: <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Wray-2022-11-17.pdf>

⁷⁸ Confidential interview dated February 8, 2023

according to their domain assessment. However, that led to gaps in intelligence collection in many offices.

A former FBI official explained how this was a problem for the domestic terrorism program, as well as the additional difficulties of First Amendment concerns and the lack of powerful federal anti-DT statutes; even the way the program was administered was less centralized because it was always founded on formal violations, specifically CT violations, and that it was a very field office driven approach, with the Department of Justice being the headquarters level.⁷⁹

Finding 6: Intelligence collection was robust, but more substantial analysis and dissemination protocols were needed from the FBI to other agencies.

One of the conclusions reached following the US Senate hearing on the response to the January 6 incident was the lack of intelligence products shared by the FBI and IC before the incident. In the immediate aftermath, the news media and the Joint Committee labeled the attack as an intelligence failure that resulted in the storming of the Capitol building.

ON THE OTHER HAND, the FBI Norfolk Field Office shared a situational information report (SIR), which field offices use "to share locally derived information that is typically operational in nature" and therefore does not meet the same criteria as intelligence assessments. That report warned of people traveling to Washington, D.C., for "war" at the Capitol on January 6. The SIR specifically mentioned an online thread titled "*Be Ready to Fight. Congress must hear glass breaking, doors being kicked in, and blood from their BLM and Antifa slave soldiers being spilled. Get violent . . . stop calling this a march, or rally, or a protest. Go there ready for war.*"

⁷⁹ Confidential interview dated February 8, 2023

Sanborn acknowledged the online rhetoric was substantial before January 6 but categorized it as "First Amendment protected speech" and did not give enough credit to the content calling for violence in her testimony before the Committees. Before January 6, Steven D'Antuono (2021), the previous director of the FBI's Washington Field Office, claimed that they had not observed any evidence of a domestic violence attack on the Capitol building or any First Amendment activity.

The Norfolk SIR was described as "information off the Internet, unattributable to a specific person" by Sanborn, then-Assistant Director of the FBI's Counterterrorism Division. However, despite admitting that it was "concerning enough," the only action taken was to rely on the field office to disseminate the information to law enforcement partners via electronic means, then briefed verbally during an interagency Command Post meeting with a representative of Capitol Police, Department of Homeland Security, Secret Service, and Federal Bureau of Investigation, among other entities. Additionally, the intelligence report was uploaded into a computer system database for state, local, and federal monitoring by law enforcement agencies.

In his testimony, FBI Director Christopher Wray discussed steps that would be taken to improve the mechanisms for exchanging threat-related information and maintain strong working relationships with state, local, and other law enforcement agencies. Furthermore, the FBI stated in a statement provided to NBC News that since January 6, there has been a greater emphasis on rapid information sharing and improved automated systems to assist investigators and analysts.⁸⁰ Unfortunately, the hearings before the Senate and House and the Committee in charge of investigating the January 6 attack highlighted some of the failures in sharing known intelligence with Capitol Police and taking additional measures to ensure it was timely.

⁸⁰ FBI failures before the Capitol siege avoided the Jan. 6 committee's scorn. Not for long. (nbcnews.com)

Finding 7: Lack of understanding of the role of social media platforms in enabling the increase in violence and rhetoric

The FBI faces one of its most difficult challenges on social media platforms. Although partnerships with various social media platforms already exist, they are insufficient, and the FBI must make sure we are getting in touch with private companies to align the organization's priorities by creating tools that will detect mobilizations, radical speech, and violence as a threat that is about to materialize. For instance, many groups used encrypted communication methods to discuss planning stages inaccessible to the FBI during the communications and plotting on January 6.⁸¹

As Senator Sheldon Whitehouse (2021) explained, there was information on the internet before January 6th that painted a clear picture of a planned and coordinated violent attack that should have prompted a more proactive response from the FBI. As a result, there is a need to improve access to those encrypted chats by enhancing the capabilities of undercover operations, sources, and so on.⁸²

Finding 8: Lack of trust from the public in the FBI's ability to protect their constitutional rights.

According to an interviewee for this study, the public lacks trust in the FBI's ability to protect their constitutional rights as the lead agency investigating domestic terrorism due to the

⁸¹ <https://www.msnbc.com/opinion/msnbc-opinion/proud-boys-seditious-conspiracy-verdict-fbi-rcna83097>

⁸² In a statement provide to NBC News, Sen. Sheldon Whitehouse, a Rhode Island Democrat who serves on the Judiciary Committee, said in a statement to NBC News. "[https://www. https://www.nbcnews.com/politics/justice-department/we-found-hundreds-posts-about-plans-attack-capitol-why-aren-n1264291nbcnews.com/politics/justice-department/we-found-hundreds-posts-about-plans-attack-capitol-why-aren-n1264291](https://www.nbcnews.com/politics/justice-department/we-found-hundreds-posts-about-plans-attack-capitol-why-aren-n1264291nbcnews.com/politics/justice-department/we-found-hundreds-posts-about-plans-attack-capitol-why-aren-n1264291)

perception of discriminatory practices while initiating investigative actions against individuals in the United States.⁸³

Building partnerships in every sector with early intervention with non-LEO - led by social services and educators - will aid in the early identification of critical indicators and enable a shift toward prevention. The FBI should concentrate on creating strategies for interacting with communities that are representative of all races, ethnicities, and populations, even though the threat posed by WCN is growing, according to the literature.

As President Biden stated in one of the pillars of the National Strategy for Countering Domestic Terrorism, "Confront long-term contributors to domestic terrorism." The FBI must play a role in identifying the roots of violence in individuals by collaborating with communities, ensuring transparency in the way the FBI conducts investigations, guaranteeing equal treatment while enforcing the laws without bias, and protecting all Americans will foster trust.

⁸³ Confidential interview conducted March 24, 2023

POLICY RECOMMENDATIONS

FBI Director Christopher Wray stated that the more arrests the FBI makes, the more we learn about who else their contacts are, what their tactics are, what their strategies are, and so on, making us more intelligent and better able to get ahead of the threat in the future.⁸⁴ What will we make of all these statements two years after the Capitol insurgency on January 6th? Although there is still much to be said and learned from that incident, there are some actions that the FBI could take to address the ever-changing landscape of the domestic terrorism threat.

The policy recommendations on the following pages aim to improve the intelligence and FBI communities' ability to identify, detect, deter, and prevent the WCN domestic violent extremist threat in the future. The goal of this paper is not to single out the failures of the FBI and the IC but rather to provide solutions for improvement through efficiency and effectiveness by gaining a broader understanding of the new threat landscape in the United States.

WCN is still a relevant phenomenon today, as evidenced by the January 6th attack on the Capitol, where many protesters displayed symbols and slogans of white Christian nationalism, such as crosses, flags, and banners.⁸⁵ Some of these protesters were affiliated with groups like the Proud Boys, a far-right organization that espouses white supremacy, misogyny, and violence.⁸⁶ It is important to note that WCN does not represent all Christians or all white people in America. It is a specific ideology with a long history and a dangerous impact on American democracy and society. It is essential to understand what it is, where it comes from, and how it

⁸⁴ <https://www.cnn.com/politics/live-news/fbi-director-christopher-wray-senate-testimony-03-02-2021/index.html#:~:text=Wray%20explains%20why%20FBI%20didn't%20%22sound%20the%20alarm%22%20to%20Senate%20when%20extremist%20groups%20posted%20intentions%20for%20Ja%206>

⁸⁵ [White Christian Nationalism: The Deep Story Behind the Capitol Insurrection \(georgetown.edu\)](#)

⁸⁶ Ibid

operates to counter its influence and promote a more inclusive and pluralistic vision of America.⁸⁷

Recommendation 1: Develop a more robust intelligence program by enhancing domestic terrorism analysis and improving information sharing throughout law enforcement at the federal, state, local, tribal, and territorial levels and, where appropriate, private sector partners.

To effectively investigate and prevent the next violent attack, the FBI must improve its intelligence-sharing capabilities with the public and other government agencies. This will necessitate reviewing the FBI's current approach to gathering, analyzing, and disseminating intelligence with other agencies, both state/local and federal, to ensure efficiency and effectiveness. The initiatives will necessitate improving the intelligence capabilities by increasing the number of intelligence analysts assigned to the domestic terrorism program in the field offices. The FBI should consider increasing the number of intelligence professionals assigned to domestic terrorism to match the number assigned to international terrorism.

In some cases, redundancy is the most effective way to ensure intelligence is shared with all stakeholders. Following 9/11, many initiatives were formed to include various entities, such as the National Counterterrorism Center (NCTC). The primary goal of NCTC was to produce integrated and interagency-coordinated analytic assessments on terrorism issues and to ensure that the information was appropriately shared with other local law enforcement organizations and

⁸⁷[White Christian Nationalism: The Deep Story Behind the Capitol Insurrection \(georgetown.edu\)](https://www.georgetown.edu/news/white-christian-nationalism-the-deep-story-behind-the-capitol-insurrection)

the FBI. In theory, this was a significant step forward, but it was focused on international terrorism.

With the continuing increase in the threat of domestic violence extremists, the FBI needs to enhance the agency's capabilities to identify, detect, and disrupt the next terrorist attack. This will include investing in the modernization of the data tools to expeditiously assess the flow of information and provide a consistent chain of information for all stakeholders and law enforcement agencies. This will also include more target training and specialized training about domestic violent extremists' mobilization and radicalization towards violence.

Recommendation 2: Apply the proper standard for opening AGG assessments to domestic terrorism.

The testimony of Director Wray and Assistant Director Sanborn about the opening of assessments in the DT context needs to be clarified and consistent. They correctly state that the DIOG standards must be applied but then state that social media sources of DT actors cannot be accessed unless there is criminal predication. This needs to be corrected. As defined by the DIOG, an assessment is an investigative activity that only requires "an authorized purpose and articulated objective(s)." Actual evidence of criminal activity (in other words, "predication") is not needed to initiate an assessment. Assessments may be conducted to detect, obtain information about, or prevent or protect against federal crimes or threats to national security or to collect foreign intelligence. This low threshold was indeed met before January 6.

In the months before January 6, and according to testimony from executives of the FBI, there was ample intelligence relating to threats to the election and possible violence in connection with the election. After the November election, there were further instances of violence in connection with "Stop the Steal" rallies and protests.

All this information should have triggered assessments of the groups and actors connected with this potential violence. These assessments' authorized purpose and intended objective would have been to secure and protect activities that were foreseeable attractive targets for a domestic terrorist attack, such as the Capitol building. As explained in the AGGs, the proactive investigative authority in an assessment is purposely designed to and for be utilized by the FBI to detect and interrupt any criminal activity at early stages, such as the certification of a presidential election.

Disrupting a plot and preventing criminal activity from happening in the first place should be the priority in any investigation conducted by the FBI. Furthermore, being able to open assessments means proactively detecting criminal activities; obtaining information on individuals, groups, or organizations of possible investigative interest, *either because they may be involved in illegal or national security-threatening activities or because they may be targeted for attack or victimization by such activities; and identifying and assessing individuals who may have value as human sources.*⁸⁸ For example, assessment activities may involve proactively surfing the Internet to find publicly accessible websites and services through which recruitment by terrorist organizations and promotion of terrorist crimes is openly taking place against the public. However, the research showed that despite the rhetoric and content meeting the threshold for opening an assessment, the agency still needs to act.

The FBI adequately protects First Amendment rights by ensuring that assessments or other levels of investigation are not opened “solely” based on First Amendment activities. Thus, assessments could not have been opened on individuals just because they have joined a group like the Proud Boys. Assessments also could not have been opened based exclusively on social

⁸⁸ <https://www.justice.gov/sites/default/files/ag/legacy/2008/10/03/guidelines.pdf>

media posts regarding anger at the election results, accusations that the elections were fraudulent, or support for President Trump remaining in power.

However, this does not mean that the FBI must publicly disregard anything an individual says. Speech that implies a willingness to engage in violence for political purposes advocates the violation of the law, or is inciting lawlessness can and should be collected by the FBI and may be considered when determining if an assessment should be opened. These kinds of statements have been used hundreds of times to open assessments in the IT context, including assessments targeted at American citizens with full First Amendment rights. FBI employees can collect protected speech for security purposes, and it must be conducted in a way it does not unduly infringe upon the ability to speak. The collection of information, in different ways and by other tools, should allow the power of the agency to open an assessment.

My research shows that this type of evidence was available before January 6 but did not lead to the opening of assessments on individuals that ultimately went to Washington on January 6 with the explicit purpose of preventing the certification of the election. For example, in December 2020, the FBI received from New York Police Department a packet of material containing bits and pieces of information from various social media sites, indicating the potential for violence during the certification of the presidential election on January 6, 2021. Yet, the information provided by the NYPD was deemed raw intelligence, uncorroborated, unvetted, and therefore not actionable by the FBI.

Another example is the situational intelligence report (SIR) out of the FBI Norfolk office from the day before January 6th, 2021. The SIR conveyed more specific threats to members of Congress, maps of the tunnel systems under the Capitol complex, and laid out the places where members of different groups met before traveling to Washington, DC. Despite being a formal

intelligence report, it was also deemed uncorroborated, unvetted, and raw intelligence resulting in no assessments initiated to provide warnings to state, local, and other law enforcement agencies.

Had more assessments been opened in the months before the election or the period between the election and the Joint Session on January 6, the FBI may have learned enough about the incident to prevent the violence from occurring or at least to provide sufficient warning to law enforcement partners like the Capitol and DC police to be more prepared for violence at the Capitol. Opening such assessments would have allowed the FBI to conduct a more extensive baseline, records checks, and other investigative tools.

What could the FBI have done with the intelligence they acquired from NYPD and FBI Norfolk office? The FBI could have disseminated a joint intelligence bulletin (JIB) with the intelligence gathered then and disseminated it to all agencies and the US Congress. The FBI could have stand-up a command post with representatives of multiple agencies, same as a special event. For example, some of the most significant sports events, like the Super Bowl, involve months and months of preparation to ensure no potential threats. The FBI does this through a coordinated effort with the state, local, and other federal agencies and the private sector.

A threat assessment triggers the monitoring of any potential threats before, during, and after the event, and they are tracked through assessments and by creating a direct line for information. Once information is provided to the FBI, the information is documented in a written format, uploaded into FBI systems, and disseminated to respective field offices. This process allowed agents to corroborate and vetted by initiating records checks, interviews, and database checks to verify the information.

After all, we know that at least two seditious conspiracies occurred in the months before the riot at the Capitol due to the Oath Keepers and Proud Boys trials. Had assessments been opened regarding the groups and individuals who were threatening violence in connection with the election and the aftermath, the FBI might have learned about these conspiracies in time to preempt them and prevent the entire incident on January 6.

Recommendation 3: There needs to be more understanding of the First Amendment and the Protection of the freedom of speech that needs to be addressed by law enforcement agencies.

A fundamental principle of the AG guidelines for FBI investigation and operations is the protection of First Amendment rights. The guidelines' basic principle states that the FBI may not conduct investigations solely based on free speech. With this understanding, the FBI has conducted domestic terrorism investigations for many years.

Based on the Supreme Court decision *Brandenburg v. Ohio* 395 US 444-1969, the current principle established a two-part process for determining the application of the First Amendment protection. However, there was a clear exception when the protection was no longer available because the activity intended to incite imminent lawless action and was likely to do so; thus, even heated rhetoric or offensive provocation that could consider a violent response in the future was prohibited. The First Amendment's definition presents a challenge because it does not simply conform to or fit the definition of freedom of speech we use today. Understanding the distinction between constitutionally protected speech and violence advocacy and the ability to engage in violence is critical.

Recommendation 4: Promote legislation for criminalizing the activities of domestic terrorism actors accordingly.

Under the current statute, there is a clear and comprehensive approach to countering the support of any designated foreign terrorist organization. Not so with domestic terrorism. New legislation criminalizing the activities of domestic terrorists may help to bridge the gap and increase understanding of the distinction between ideology, the First Amendment, and the criminal activities of domestic terrorists. A federal terrorism statute applicable to crimes of violence committed within the territorial jurisdiction of the United States, when committed with one of the intents listed in the definitions of both international terrorism and domestic terrorism, regardless of ideology, would provide tangible intelligence about the domestic terrorism threat and aid in identifying, deterring, and preventing future attacks.⁸⁹

The legislation will be a powerful tool for law enforcement by providing more tools for investigating and prosecuting groups and individuals. According to the FBI, 2019 was the deadliest year in domestic terrorism attacks, but violent incidents continue to occur within our borders. According to the literature, most domestic terrorist actors are Americans, or at the very least US persons, homegrown, naturalized citizens of this country.

Congress should enact legislation to combat the threat by expanding legislation to cover and include specific acts of domestic terrorism. Let me be clear: I am not advocating for the designation of domestic terrorist organizations as terrorist organizations. It is necessary to focus on the criminal activity of domestic violent extremists rather than their hateful speech and the right to assemble with others, which the First Amendment protects. This will allow the FBI to

⁸⁹ <https://www.justice.gov/archive/opa/docs/guidelines.pdf>

pursue domestic violent extremists while adhering to the DIOG's guidelines for investigations based on criminal activity and violence rather than solely on First Amendment-protected activity.

We now agree. Words have power. Characterization is important. Labels are significant. Accounting for domestic terrorism correctly so that the scope of the problem in this country is important. There is a gap in the federal criminal code and the various ways we describe these heinous crimes that must be filled. Similarly, victims of domestic terrorists — Alan Berg in Denver, Heather Heyer in Charlottesville, Brian Sicknick in Washington, D.C., and countless others — are not technically considered terrorism victims in a federal court proceeding, even though they are. This is also a problem that must be addressed.

Recommendation 5: While preserving and protecting the constitutional rights and laws in the United States, address the DT program and bring it up to the level of the IT program.

Following an attack, the FBI and other law enforcement agencies from state, local, and federal agencies identified any available and applicable criminal charges, such as capital murder or federal hate crime, as seen in the Pittsburg and Charlottesville attacks. However, where the FBI and other law enforcement agencies fall short is in their ability to intercept and disrupt plots before they occur. As a result, utilizing existing tools and techniques efficiently, when possible, in the domestic terrorism program will aid in identifying indicators of potential extremist violence before it occurs.

The perception of disparity between victims of domestic terrorism attacks and victims of international terrorism is one compelling argument in favor of treating domestic terrorism with the same priority as international terrorism. When treating an attack as domestic terrorism, the perception of a fundamental inequity or injustice in the law limits the ability to use material

support for terrorism charges against domestic terrorism.⁹⁰ Treating domestic terrorism incidents the same way we treat international terrorism is about bringing a moral equivalence to a long unaddressed argument between the two sides of the spectrum. The acts of Proud Boys, Oath Keepers, and other domestic violent extremist groups, as well as lone offenders such as Dylann Roof and Timothy McVeigh, are just as despicable and dangerous as the terrorist attacks perpetrated by international terrorists. It does not matter the terrorists' nationality, race, religion, motivation, or so-called ideology, terror is terror, and everyone should address it.

Recommendation 6: Work on addressing prevention programs with a robust understanding of the trends and threats at all levels.

The FBI must work on prevention programs with a thorough understanding of trends and threats at all levels. Investing in communities, departments, and other state and local agencies to help build public trust in the FBI's mission and commitment to keeping the US safe from domestic terrorism attacks. This will necessitate the FBI developing a more robust, agile, and functional outreach program in collaboration with other state/local and federal agencies. We must speak out and educate the public as the lead agency in investigating domestic terrorism in the United States. The FBI has very regulated and strict policies regarding interviews and media exposure, but these are new terrains for us, and we are dealing with a more elusive adversary. We cannot fight terrorism with the same tools we used 20 years ago.

For example, the FBI should increase the membership of various law enforcement agencies in the Joint Terrorism Task Force (JTTF) at local field offices. The JTTFs are locally based multi-agency partnerships between various federal, state, and local law enforcement

⁹⁰ Confidential interview dated March 14, 2023

agencies tasked with investigating terrorism and terrorism-related crimes, led by the Federal Bureau of Investigation and the United States Department of Justice.⁹¹ They are the nation's first line of defense against both international and domestic terrorism.⁹² Having participated in high-profile investigations such as the 2016 New York and New Jersey bombings, the members of the JTTFs help support the investigating efforts of the FBI by chasing down leads, gathering evidence, making arrests, providing security for special events, collect, and share intelligence, and respond to threats and incidents at a moment's notice.⁹³ The JTTFs also collaborate through the interagency National Joint Terrorism Task Force (NJTTF), which ensures that information and intelligence flow freely among local JTTFs and beyond. The JTTFs combine the talents, skills, and knowledge of over 600 state and local agencies and 50 federal agencies into a team that responds collaboratively.⁹⁴ However, field offices could benefit from increasing the number of participating agencies in local JTTFs to focus even more on domestic violent extremist threats.

Recommendation 7: Understanding the role of social media platforms in enabling the increase in violence and rhetoric.

Online platforms and internet speed challenge law enforcement agencies and the FBI. The FBI must enhance the agency's capabilities by investing in modern technology and advanced training for agents and intelligence analysts. As one of the participants from this research described, "*The landscape of the threat is changing, and it will continue to evolve, so the FBI needs to do the same.*"⁹⁵ The FBI continues to address the threat of domestic terrorism

⁹¹ [Joint Terrorism Task Forces — FBI Joint Terrorism Task Forces — FBI](#)

⁹² Ibid

⁹³ Ibid

⁹⁴ Ibid

⁹⁵ Confidential interview dated May 24th, 2023.

with the same soft approach as like 20 years ago, and it has failed in many instances in preventing domestic violent extremists from conducting violent attacks in furtherance of their ideology or political agenda. Therefore, using artificial intelligence with modernized technological tools, robust training, and education will help identify individuals with a propensity for violent attacks before they occur.

The FBI needs to address the relationship with the technology companies and recognize that they also played a role in being part of the solution instead of the problem. Having clear terms of service and creating indicators to identify the users that showed some propensity for violence, hateful speech, and extremist content will help fight the threat.

Individuals will continue to use online platforms to find like-minded individuals, developing networks to provide a sense of community, security, and identity.⁹⁶ This is concerning because the sense of tribalism could lead to a fragmented society that will deepen the hostility and ideological superiority of one race, religion, and ethnicity over others, creating an environment for violence.

Recommendation 8: Strong Oversight from HQ and DOJ regarding domestic terrorism investigations

The FBI should closely examine how field offices tag threats in their jurisdiction to ensure that investigations are handled meticulously, in detail, and efficiently. This will necessitate a deep dive into the investigations to ensure compliance with the AGG and the DIOG, oversight, broad data collection, and effective use of resources within the field offices.

⁹⁶ <https://www.risetopeace.org/2022/01/04/domestic-terrorism-in-2022-the-key-risks-and-trends/risetopeace/>

Furthermore, close coordination with the main DOJ and USA Offices should be mandated to conduct assessments to prevent and proactively mitigate any potential mobilization to violence from domestic violent extremists.

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