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HEARING ON "MAINSTREAMING EXTREMISM: SOCIAL MEDIA'S ROLE IN
RADICALIZING AMERICA"

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Good morning Chair Schakowsky, Ranking Member McMorris Rodgers, and members of the subcommittee.   I am John Donohue, a Fellow at Rutgers University, Miller Center for Community Protection and Resilience and a recently retired Chief in the New York City Police Department (NYPD) having spent thirty-two years in service of the people of New York in a variety of assignments, notably in patrol, policy, strategy, and intelligence. I am pleased to testify before your subcommittee today to discuss the significant public safety concerns and, specifically, challenges to law enforcement raised by the growing phenomenon of cyber-social extremism and the power of social media to influence violent action domestically.

Overview:
Since about 1997, we have benefitted from the connectedness the internet has brought to our lives from social media platforms. The ease of connecting to family, lost friends and finding new ones, sharing stories, and photos and ideas. The use of social media for promoting ideas is well documented. These technology platforms, now mobile and near ubiquitous, have usurped the traditional venues of the public square and printed newspapers for communicating the concerns, likes and desires of hundreds of millions of people world wide. Here in the United States where we cherish and embrace the constitutional right to speak freely, assemble and protest, social media has been embraced by virtually everyone with access to the internet to share their opinions on any topic, at any time. The ability to garner an audience to any cause beyond mere affinity, however, considering the vast number of people on the vast number of social media platform, requires a few more powerful ingredients, beyond Hollywood stardom. Before the COVID-19 pandemic, these more nefarious ingredients - social isolation, vast unemployment, fear of changing social order, and martyrdom narratives existed to a far less degree for those posting hate on the internet. During the pandemic, in contrast to any previous time in world history, those ingredients have dramatically come into alignment. What is observable and quantifiable from social media data is an exponential growth in participation in the cyber-social domain that has coalesced around radical, some would say revolutionary, extremist themes along the

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ideological spectrum. And those radical extremists have federal, state and local law enforcement squarely in their sights.

Encouragement of violence, designs for ghost guns, dehumanizing opponents, advocating physical attacks at law enforcement and sharing tactical countermeasures to legitimate police activity to control riotous activity. All of these topics and more are shared on public forums, and pushed to peoples smartphones. The outcomes at this juncture are not predictable, and the time for acknowledging this phenomenon, social media's contribution to it, and rapidly working to preserve civil society is upon us. There is no time to wait.

John Farmer Jr. of Rutgers University's Eagleton Institute wrote recently, "Here we are, nineteen years after 9/11/01, and extremists are indeed defining us: not Islamist extremists, and not even the agents of Russia, China, North Korea, and Iran. We are instead being defined by extremists at home. We are polarized on every conceivable issue, with extremists on every side staking out positions which can prevail only by being forced on those who disagree…Armed militias stalk and sometimes hijack our peaceful protests, the extreme left and extreme right meeting in the darkness of a shared nihilism."

These ideas may come from individual original thoughts, but they don't propagate themselves, the algorithms that drive profits for social media companies do so. They accomplish the task by segmenting markets, cataloging individuals behaviors and reinforcing consumer preferences. Applied to the marketing of soap, automobiles and clothing, this approach makes perfect sense; applied to the dissemination of political views, it is proving to be catastrophic for the health of our democratic institutions, driving people into echo chambers of their own prejudices, making constructive conversation nearly impossible.

The Cyber-Social Domain as a Tool for Recruitment:
On the internet, as in all media, content is king. Recent history is rife with the use of social media content to recruit people to a cause. In less than a generation, the hashtag "#" has become the easiest way of identifying - and identifying with - a message. Merely clicking like, commenting on or sharing content serves to boost those messages in whatever platform you may use. The social media platforms have legions of analysts and coders and machine learning tools to refine the platform to keep their audience attentive, they know what keeps you there so they can sell. The research and analysis conducted at the Network Contagion Research Institute (NCRI) has shown how memes, gifs, or brief videos, when added to content amplifies the message. The platforms drive that content and the message meets the desired audience, literally in the palm of their hand. In a few cases, some messages "go viral" into the mainstream, where even casual users of social media will be exposed to the content. We've seen this in the #bringbackourgirls and #metoo movements. To accelerate a message, add issues with intense emotional attachment, such as religious or strongly held political beliefs, and the content can become a tool of recruitment to further activity of the cause. I'm neither a psychologist, nor a coder, but I've seen the outcome of radicalization on the streets of Manhattan. The results should scare every rational American.

For example, we know that in early 2013 and 2014 in the earliest stages of the ISIS caliphate, social media platforms were used to motivate some youth: impressionable, isolated, disaffected, and religiously influenced, to leave their homes, including here in the United States, and take up arms in support of Abu-bakkar Al Baghdadi and ISIS. Social media companies were, putting it kindly, dilatory in responding to that reality. The responsiveness ultimately was to block content that drew youth into that sphere. There are other criminal cases that demonstrated that once a person was drawn into that world and became engaged in social media (liking, sharing, posting, creating content) they could be recruited into a much deeper level of involvement. That's when conversations migrate from the surface web, to deep web forums and to encrypted communication platforms in which there is no visibility. Ironically, the most hateful and radical information is shared on those platforms as direct messages or in "private" forums.

Now, while some may not want to acknowledge it, the same cycle is happening domestically with militia movements of the far-right and anarchist movements of the far-left. In February the National Contagion Research Institute called-out the rise of the Boogaloo[1] And in May, I co-authored a report for the NCRI [2] that detailed how on social media sensational memes become viral and evolve, permitting extremists to plant hateful or revolutionary ideas in the public eye, often disguised as inside jokes or codewords for those "in the know." The boogaloo, big igloo, or big luau, code for the second revolution, is an example of the far-right militia movement. In protest of the recent pandemic lockdowns, followers of the movement played out the inside joke by wearing Hawaiian shirts and carrying semi-automatic rifles in the center of a few major cities. The volume and intensity of posts with boogaloo affinity on reddit doubled in one year through April 2020[3]. Among the boogaloo meme contributors are those who "gamify" assaults on police and law enforcement, encouraging violence through jargon known in the video gaming community.

While it is true that there is a longer history of the on-line radicalized messaging by far-right extremists, they are by no means alone. In the NCRI report published last week, my co-authors and I quantified that online anti-police, pro-anarchic messaging is surging in far-left social media spaces. Accelerating The deep web forums such as reddit forums saw exponential increases over 1000% of the communist symbol during the most recent period of civil unrest in America

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[1] Finkelstein & Goldenberg (2020) Cyber Swarming, Memetic Warefare, and Viral Insurgency: How Domestic Militants Organize on Memes to Incite Violent Insurrection and Terror Against Government and Law Enforcement. Network Contagion Research Institute (retrieved September 21, 2020) online at: https://ncri.io/reports/cyber-swarming-memetic-warfare-and-viral-insurgency-how-domestic-militants-organize-on-memes-to-incite-violent-insurrection-and-terror-against-government-and-law-enforcement/

[2] Finkelstein, Donohue, Goldenberg, Baumgartner, Farmer, Zannettou, & Blackburn (2020) COVID-19, Conspiracy and Contagious Sedition: A Case Study on the Militia-Sphere. The Network Contagion Research Institute. (retrieved September 21, 2020) online at: www.ncri.io/reports/covid-19-conspiracy-and-contagious-sedition-a-case-study-on-the-militia-sphere/)

[3] id.

following the killing of George Floyd.[4] Imagine if the swastika had the same reception on the internet. Moreover, hateful, violent, nihilist messages have broken into the mainstream platforms including Facebook and Twitter. Memes advocating the murder of law enforcement, and slogans found on the internet such as ACAB, F12, 1312 used by the far-left appeared scrawled on the defaced monuments and buildings all over America. Assaults on and the murder of law enforcement that occurred during the recent civil unrest were motivated in part by the themes in these memes and slogans[5]. The hate-filled and radicalized left now are engaged in nation-wide coordinated violence on American soil in a way never before witnessed from that realm. We have the social media platforms to thank for that reality.

Inherent Tension between Constitutionally Protected Activities and Policing:
Among the many rights afforded to us in the First Amendment to the United States Constitution is that Congress cannot pass laws limiting freedom of speech and <u>peaceful</u> assembly. The Second Amendment protects Americans' right to keep and bear arms. The Fourteenth Amendment ensures those rights are protected in every state. Those rights are not absolute, as the Supreme Court has interpreted from time to time. For example, we know that reasonable time, place and manner restrictions can be applied to public assembly, and reasonable restrictions exist with regard to commercial speech. There are also some state specific laws that permit open-carry of lawfully owned firearms, and other states that have outlawed that practice - both have withstood constitutional scrutiny. I use these two amendments for examples because in real life, on the street, when tens, or tens of thousands of people are assembled is where the tension exists. In those circumstances, explaining the finer points of constitutional law to a crowd just doesn't work, that's why police are generally at a disadvantage, and specifically challenged when they are the *target* of the protests. The presence of armed militia members raises the complexity and volatility of those situations. Some forget that protest activity is only constitutionally protected when it is "peaceful". In the last several months all of us have witnessed grotesque violence and intimidation tactics masquerading as 'peaceful' protest. Make no mistake, these incidents across the nation are planned, executed and coordinated by people leveraging social media platforms.

In New York City, as a police officer I wore a uniform and policed protests, taking care to ensure impartial treatment of those who wanted their message to be heard by local, state, federal governments and even the United Nations. To be candid, the issue, cause, or message protestors share at a physical gathering, as well as a virtual one, is irrelevant to nearly everyone in law enforcement. That's what impartiality demands. We teach it in our nation's police academies.

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[4] Finkelstein, Goldenberg, Stevens, Paresky, Jussim, Farmer, Donohue & Baumgartner (2020) Network-Enabled Anarchy: How Militant Anarcho-Socialist Networks Use Social Media to Instigate Nationwide Violence Against Political Opponents and Law Enforcement (retrieved September 21, 2020) online at: https://ncri.io/reports/network-enabled-anarchy/

[5] For example: In May 29 and June 6, 2020 respectively, David Patrick Underwood a Federal Protective Service contract guard and Sheriff Sgt. Damon Gutzwiller were murdered by a boogaloo movement adherent. See also: Urooj Rahman and Colinford Mattis who were arrested and charged by the U.S. Attorney for the Eastern District of New York for allegedly firebombing a NYPD vehicle.

And we need it in a constitutional democracy. However, sometimes advocates want their message to be "more effective," "louder" or "disruptive" they will use coded words and memes to train their cause's followers to engage in "direct action" and "wildcat marches." These are in fact, carefully planned protests and the participants use encrypted communication platforms to direct and target unlawful criminal actions of the participants.

Tension almost always arise between protestors and police. Thats because in planning for public safety during these events law enforcement wants to know the routes, the likelihood of civil disobedience, and planned arrests. Pre-operational intelligence such as that is needed for many reasons. For example: Will traffic need to be rerouted? will medical responders need to be prepositioned? Will there be counter-protesters? Will protesters engage in unlawful activity and expect to be arrested? How many police will be needed to ensure the safety of all parties? As an intelligence officer we faced these questions routinely in preparation for an event. Intelligence also requires answering the questions about the unknowns: Are the intentions of the group or subgroups to engage in violence? If so, will weapons be involved? Will there be counter-protestors? What are *their* intentions?

In the past, unrestrained domestic intelligence gathering and activities led to lawsuits and settlements that curtailed egregious intelligence practices. In response, the Attorney General promulgated Guidelines for Domestic FBI Operations, and the FBI has the Domestic Intelligence Operations Guide (last updated in 2016)[6]. The New York City Police Department (NYPD) was sued in the 1970's for investigative overreach[7]. Consequently, the NYPD has operated intelligence capacities under a federal judicial consent decree that was modified several times to ensure effectiveness and to balance civil liberties, most recently in 2016.

Law enforcement a tough task when policing protest events in the best of times; when protesters arrive intent on violence and occupation and are carrying semi-automatic weapons, the stakes grow exponentially. Make no mistake, its not just far-right extremists carrying semi-automatic weapons in the public square now. Accelerationists know this and seize on those opportunities to amplify their message of revolution through direct confrontation with police.

Complexity of Monitoring Networks of Individuals and Identifying Those Who Will Mobilize to Violence:
There are technology solutions that researchers use to quantify growth of authentic postings, unique events, and to discount those that are generated by bots. Those same technologies can help identify the frequency and intensity of social media postings. However, I'm not aware of any reliable technology that can determine true sentiment of social media postings beyond the

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[6]See: Retrieved July 12, 2020 https://vault.fbi.gov/
FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29/
FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29%202016%20Version

[7] Handschu v. Special Services Div., 605 F. Supp. 1384 (S.D.N.Y. 1985)

stop-gap interventions employed by some surface web social media companies. Some companies use their terms of service and attempt to have users enforce community standards. The larger social media companies have hired a people to review offensive posts considering their own self imposed standards, that are largely ad hoc assessments of content. The tension between free sharing ideas, debate, community norms and corporate-message control slows social media companies' response. Some companies have taken action when pressured to act, with varying outcomes. The outcomes resemble a game of whack-a-mole, with content finding its way from one part of the internet to another. Despite the companies' efforts to minimize the availability of extremist messages, those messages persist. Ultimately, social media companies are not in the position to identify those who will mobilize to violence.

Law enforcement has tried to be responsible and stepped-in, efforts including the FBI's tip line. And other tactical solutions to take complaints concerning imminent threat to life. But the call volume can be overwhelming, and structures to collect, disseminate to the appropriate jurisdiction and intervene in a timely manner to imminent threat to life situation are immature. Social media companies lack meaningful access to support law enforcement in exigent situations and extremist threat content investigations. There are no phone numbers to call or people to talk. Investigators sometimes wait for hours to days for a response from the social media companies' on-line reporting system through their agency's e-mail. Frankly, the best system are largely based on personal relationships that law enforcement establishes over time- that is not a plan for lasting success. Moreover, since 2016, Twitter specifically has intentionally ended sharing information with law enforcement, life saving information. The social media companies have made it intentionally difficult to act soundly, tactically, rationally and constitutionally. This leaves America in a dangerous place where threats may never get to the right person at the right time to save lives.

I am aware that the nation's major law enforcement associations are working to establish a framework of promising practices to improve tips, leads, threat-to-life reporting mechanisms between the public, law enforcement, and social media service providers, through the Criminal Intelligence Coordinating Council and Global Advisory Committee (which is a FACA committee) to the Attorney General.

Standardized mechanisms and systems must be developed that provide real-time 24 hour a day threat assessment capabilities and human intervention. Effective violence and crime prevention involve recognizing indicators and behaviors associated with violent extremists behavior and taking steps to prevent attacks from occurring.

Until some other entity can do so, law enforcement must remain vigilant to identify the radicalized before they mobilize. The timeframe for intervention, however, can be painfully short. Immediately before an accused white supremacist attacked the Tree of Life synagogue in Pittsburgh in October 2018, he posted on a website, "I can't sit by and watch my people get slaughtered. Screw your optics, I'm going in." He slaughtered eleven and injured another seven innocent congregants.

While law enforcement is the last line of defense against extremists who mobilize to violence, it is crucial for law enforcement to protect themselves, because they have become the ultimate target. Consider the tactics used by far-left anarchist extremists during the most recent period of violence in the United States. Powerful lasers to blind law enforcement in Seattle, molotov cocktails targeting police in New York, plastic bottles of frozen water launched at police in Chicago, umbrellas to shield law-breakers in Portland and elsewhere, attacking people with skateboards in Kenosha. These tactics were shared on-line, in advance and are not usually observed as tactics used by the more brute-force tactics of the far-right.

Emergent Phenomenons as Threats to Civil Society versus Imminent Physical Threats:
Just as we needed better air-traffic information after 9/11, what is needed is something fundamentally new, both technologically and socially. What is needed technologically is akin to a social-media NORAD, a monitoring ability that is technologically capable to listen to signals at massive scale and generate finished intelligence rapidly that can perceive threats to civil society before they emerge, and detail them as the work at the Network Contagion Research Institute has done with its tools.

Powerful technology such as I'm suggesting, must have controls. Socially, we have come to a moment where there is a need for a public trust or neutral third party that can use such technology with credibility to report on threats to democracy and democratic institutions. Such a trust must be one run in partnership with civil society, whose purpose to to further the American civic tradition.

Rather than merely catching the criminal before the next attack, the best use of this public trust would be to fight for our norms at a massive scale to intercede before radicalization with information civil society led counter-messaging and civic engagement. In other words, we aren't going to censor each other our our problems away on social platforms, and we aren't going to censor one another out of existence through violent insurrection either. We are going to have to use our words. The best use of the solution I propose here is using technology to do that, because that is what furthers and protects democratic traditions.

Path Forward:
The problem we face is that social unrest is being effectively organized in the social-cyber domain, into potential insurgencies, on the basis of memes and short messages hosted and fed by social media companies. This fact is both highly visible on the one hand and fundamentally invisible on the other because though it is ubiquitous, no single entity can contextualize the sheer scale of coded language and memes. Layered on that technical complexity is the legal obligations on law enforcement to ensure the constitutional protections on citizens' free speech and assembly, at the same time as it tries to distinguish imminent threats to life and destruction of property from jokes.

America is at a cross roads, the intersection of constitutional rights and legitimate law enforcement public safety and civil society has never been more at risk by domestic actors as it is now as seditionists actively promote a revolution. However, I remain confident that America remains strong to its founding principles and recommend the following as possible paths forward.

Social media companies were slow to act during the rise of ISIS message amplification and recruitment activities. These companies cannot be alone in combatting extremist ideologies and accelerationists, but they are part of the solution. And legislation is needed to ensure those companies work collaboratively with civic leaders across the spectrum for a civil society.

Just as the internet is diffuse, the solution cannot reside in singular entity. With regard to extremist actions there needs to be better coordination among law enforcement intelligence capacities, supported by appropriate Department of Justice entities and *willing* or forced social media companies to rapidly respond to hate driven seditious rhetoric where the content and context clearly demonstrates unlawful activity is about to occur, is occurring or is being planned. Moreover, when there is an imminent threat to life social media platforms cannot be the sole arbiter of what is 'in' or 'out' of community standards, nor what is appropriate to share with law enforcement or not. Lives depend on it.

At the same time, as we protect democracy at a strategic level, our communities are routinely confronted with actual events, unfolding in real time. Those events, such as the Tree of Life Synagogue massacre sometimes have enough lead-time to have law enforcement intervene, and protect life. Structures and policies must be strengthened and supported by the federal government and the social media platforms equally. Those efforts as I mentioned with the national fusion centers are a strong foundation for that effort.

These are fundamentally the traditions that now find themselves under direct attack by the extreme left and extreme right alike. How we ultimately move forward together as a country, as Americans, depends how we negotiate this moment in history.

To members of the committee and subcommittee, It is an honor for you to invite me to participate in our democratic process. For that, I sincerely thank you.

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