<u>Stepping Out of the Shadows:</u> <u>How Violent White Supremacists Have Used Technology to Pose a Transnational Threat</u>

Testimony of Dr. Joshua A. Geltzer, Executive Director, Georgetown Law's Institute for Constitutional Advocacy & Protection, Former Senior Director for Counterterrorism, National Security Council, for a Hearing of the House Subcommittees on Civil Rights & Civil Liberties and on National Security, "Confronting Violent White Supremacy (Part III): Addressing the Transnational Terrorist Threat"

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Chairman Raskin, Chairman Lynch, Ranking Member Roy, Ranking Member Hice, and distinguished Members of the Subcommittees, thank you for this opportunity to address the threat posed by violent white supremacy, with a focus on the transnational nature of that threat.

While we are here to discuss a new type of transnational terrorist threat—that posed by violent white supremacists—it is helpful to begin by considering a more familiar type of transnational terrorist threat—that posed by jihadists like ISIS. In particular, it is instructive to consider one of ISIS's most astonishing achievements—forging a transnational community of followers—and how white supremacists are emulating it.

In 2017, my former White House colleague Jen Easterly and I reflected on how ISIS had drawn on its claim to have established a physical caliphate in Syria and Iraq to build—largely through the Internet—a global following. We wrote that ISIS preyed, in particular, on those vulnerable and detached from their communities by offering them the false promise of being part of something bigger: ISIS's global community. As we explained, "By taking up arms for [ISIS's] cause, getting behind the wheel of a truck, or building a pressure cooker bomb, these men become part of a community, part of something bigger than themselves, and indeed part of history—anything but alone."¹ Even more to the point today, we warned:

Already, other terrorist groups . . . have begun emulating the Islamic State's manipulation of modern communications technologies to reach those who would feel alone, offer a sense of community, and provide inspiration and just enough direction to spark attacks that fulfill those groups' own strategic purposes. Modern communications technologies are here to stay and will evolve into forms yet unknown. Understanding how to meet this challenge is thus critical not only to addressing the threat posed by the Islamic State today but also to anticipating and mitigating the threat posed by other groups tomorrow—and groups yet to come.²

¹ Jen Easterly & Joshua A. Geltzer, "The Islamic State and the End of Lone-Wolf Terrorism," *Foreign Policy*, May 23, 2017, http://foreignpolicy.com/2017/05/23/the-islamic-state-and-the-end-of-lone-wolf-terrorism/.

² Easterly & Geltzer (2017).

Tomorrow is here. Violent white supremacists—though at times less formal in their organization and less coordinated in their activities—have used some of the same modern technologies that ISIS exploited to create their own global community of a sort. And they have done so with similarly deadly consequences, catalyzing lethal attacks in countries around the globe.

While the threat posed by violent white supremacists is not identical to the threat posed by jihadists, there are critical lessons that we must learn from fighting one type of transnational terrorist threat and then apply to this new type.

Recognizing the Transnational Nature of the White Supremacist Terrorist Threat

The first lesson is as old as Sun Tzu: know thy enemy. The type of enemy that Americans are seeing emerge from Pittsburgh, Pennsylvania, to Gilroy, California, to El Paso, Texas, has long been characterized in the United States as "domestic terrorism." But that term has become, in many respects, outdated. The type of violence that Americans are experiencing in Pittsburgh, Gilroy, and El Paso—like the ideologies underlying it—is not really *domestic* anyway. It is transnational.

Consider Brenton Tarrant, the Australian who killed 51 mosque worshippers in Christchurch, New Zealand. He cited as ideological inspiration the Norwegian Anders Breivik, who killed 77 in 2011, as well as the American Dylann Roof, who killed nine in 2015. Tarrant was not a purely a "domestic terrorist" of Australia or New Zealand. He was inspired by a global movement of racially motivated violence.

Then look at American Patrick Crusius, the El Paso shooter. Before his attack, Crusius announced online, "In general, I support the Christchurch shooter and his manifesto."

And then came Norwegian Philip Manshaus, who would have killed mosque worshippers in a city west of Oslo had he not been stopped by them. His online posting praised both Tarrant *and* Crusius.³

This is not terrorism "domestic" to any one nation alone. It is a global surge in violence inspired by white supremacy. And, in each new manifestation, the attacker increasingly situates his actions in that transnational context. As leading terrorism expert Peter Bergen testified before the House Committee on Homeland Security last week, "White supremacist terrorist attacks and violence more generally appears to be increasingly interlinked and internationalized."⁴

It is not only that the inspiration for each new act of violence transcends national borders, but also that the very structure of online communication today—including through social media, end-to-end encrypted apps, and the dark web—facilitates a transnational network of those espousing and consuming this world view. The same modern communications technologies that

³ Joshua A. Geltzer, "18 Years After 9/11, We Face a New International Terrorist Threat," *Just Security*, September 11, 2019, https://www.justsecurity.org/66129/18-years-after-9-11-we-face-a-new-international-terrorist-threat/.

⁴ Peter Bergen, "Global Terrorism: Threats to the Homeland,' Part 1," September 10, 2019,

https://docs.house.gov/meetings/HM/HM00/20190910/109886/HHRG-116-HM00-Wstate-BergenP-20190910.pdf.

enabled ISIS to build one form of global following committed to political violence are now enabling violent white supremacists to build another form of global following committed to political violence—just of a different brand.

There is one additional driver of today's threat that must be emphasized: the active role of foreign government actors in propagating violent white supremacist ideology. As former FBI Supervisory Special Agent Ali Soufan testified before the House Committee on Homeland Security at last week's hearing,

the emerging epicenter [of white supremacist extremism] seems to be located in Russia and Ukraine. There are extensive ties between the Russian government and far-right groups in Europe. Russian disinformation efforts have fueled anti-immigrant sentiment in countries like Sweden, fueling resentment among native-born Swedes and newly arrived immigrants from the Middle East, North Africa, and South Asia. . . . [I]n Ukraine, Russian groups like the Russian Imperial Movement and its paramilitary unit, the Imperial Legion volunteer unit, also attack and train foreign fighters motivated by white supremacy and neo-Nazi beliefs.⁵

The Russian government thus adds violent energy to the emerging transnational network of white supremacists, spreading its cause in part through disinformation aggressively disseminated online.

All told, today's terrorists respect no borders. As former Acting Assistant Attorney General for National Security Mary McCord, former National Counterterrorism Center Director Nick Rasmussen, and I wrote in the wake of the Christchurch attack, "so-called domestic terrorists have gone global: they've become transnational in influence and impact. Through social media and the widespread availability of end-to-end encrypted communications platforms, which can allow would-be terrorists to evade law enforcement and intelligence community surveillance when they communicate, those connections will only deepen."⁶ To know our violent white supremacist enemy today is to recognize its global dimension.

Taking a Transnational Approach to Addressing a Transnational Threat

Once we recognize that violent white supremacy has, due in part to technology, gone global, the importance of adopting a transnational approach to addressing its threat becomes clear. There are important lessons to be learned here from the U.S. Government's transnational efforts against jihadism since 9/11. Let me focus for now on two.

Designating groups as foreign terrorist organizations facilitates criminal prosecution of those who provide material support to such groups and freezes financial accounts at U.S.

⁵ Ali H. Soufan, "Written Statement for House Committee on Homeland Security: Global Terrorism: Threats to the Homeland," September 10, 2019, https://homeland.house.gov/imo/media/doc/Testimony-Soufan.pdf.

⁶ Joshua A. Geltzer, Mary B. McCord, & Nicholas Rasmussen, "The Christchurch Shooting: Domestic Terrorism Goes International," *Lawfare*, March 19, 2019, https://www.lawfareblog.com/christchurch-shooting-domestic-terrorism-goes-international.

institutions associated with such groups. Yet, as McCord has noted, not one of the 68 entries on the State Department's list of foreign terrorist organizations is a violent white supremacist group.⁷ That is particularly astonishing given that the U.S. Government's current National Strategy for Counterterrorism describes one group—the Nordic Resistance Movement—as exemplifying "movements overseas whose use of violence and intent to destabilize societies often puts American lives at risk" and another—the National Action Group—as promoting "violence against politicians and minorities" and as having "engaged with like-minded groups in the United States."⁸

Based on these descriptions in an official White House strategy document, these two groups seem potentially to meet the criteria required for designation as a foreign terrorist organization, namely (1) being a foreign organization, (2) engaging in or retaining the capability to engage in terrorism, and (3) threatening the security of U.S. nationals or the national defense, foreign relations, or economic interests of the United States. Yet these types of groups have long been treated as domestic problems of other countries—a Scandinavian problem in the case of the Nordic Resistance Movement, and a British problem in the case of the National Action Group. In today's terrorist threat environment in which so-called "domestic terrorism" has gone global, that approach must change. It is time for the U.S. Government to take a hard look at designating as foreign terrorist organizations these and other potentially qualifying violent white supremacist organizations.

Embracing a transnational approach to a transnational challenge would bring to bear another asset that has been critical to the effort against jihadism: the intelligence work of the National Counterterrorism Center (NCTC). NCTC's fusion of terrorism-related intelligence and information gathered by different Intelligence Community elements has enabled analysis of trends and trajectories of jihadist groups and their efforts to radicalize followers that, in turn, has informed U.S. policymakers as they weigh difficult choices in counterterrorism—including me, when I had the honor of serving in government. While the relevant statutory language is less than crystalclear, NCTC's mandate has generally been understood to require the organization to focus overwhelmingly on international terrorism, not so-called "domestic terrorism."

We need NCTC fully in the game with respect to violent white supremacy. Currently, the FBI carries much of the burden of working to counter white supremacist terrorism, including by collecting intelligence, analyzing that intelligence, conducting investigations, and working with the Justice Department to pursue criminal prosecutions where warranted. While FBI as well as state and local law enforcement authorities deserve tremendous credit for their tireless work in this area, there is also a need for what NCTC can distinctively provide: cross-cutting analysis of the nature and direction of the violent white supremacist threat as a whole. Understanding that threat as fundamentally transnational in nature would seem to facilitate NCTC's greater involvement. And, if Intelligence Community lawyers determine that a statutory amendment is needed for NCTC to take on a larger role in addressing this challenge, I would respectfully urge Congress and the President to provide that update to federal law.

⁷ Mary B. McCord, "White Nationalist Killers Are Terrorists. We Should Fight Them Like Terrorists," *Washington Post*, August 8, 2019, https://www.washingtonpost.com/outlook/white-nationalist-killers-are-terrorists-we-should-fight-them-like-terrorists/2019/08/08/3f8b761a-b964-11e9-bad6-609f75bfd97f_story.html.

⁸ President Donald J. Trump, National Strategy for Counterterrorism of the United States of America, October 4, 2018, https://www.whitehouse.gov/wp-content/uploads/2018/10/NSCT.pdf.

There is more that flows from adopting an appropriately transnational perspective on today's violent white supremacist threat. For the government, this perspective means that law enforcement and the rest of the national security apparatus must bring to bear in this fight tools proven to help against international counterterrorism, such as robust intelligence sharing with foreign partners and preventive law enforcement tools such as sting operations.⁹ It also means rejuvenating efforts to work with local communities to prevent radicalization from occurring in the first place—both domestically and abroad—and, moreover, ensuring that those efforts are not directed exclusively to thwarting jihadism but instead address all forms of violent extremism. And, for the technology companies whose platforms are often the front lines of this fight, it means policing their platforms to remove not just incitement to violence but also the ideological foundations that ultimately spawn such violence—a move that the companies eventually made with respect to jihadism and that they must now accelerate making with respect to violent white supremacy.¹⁰ I would be happy to discuss these and other worthwhile steps during today's hearing.

How to React but Not Overreact

I have emphasized the lessons to be learned from efforts against other transnational terrorist threats and applied to addressing violent white supremacy. But there are also lessons to be learned from our post-9/11 approach to counterterrorism about what *not* to do in confronting white supremacist terrorism. Indeed, even some of the tools that have been critical to successes against jihadism—such as using military force to eliminate key terrorist leaders—appear, at least right now, inapt in addressing white supremacist terrorism, even if appropriate legal authorities existed. There are three particularly important ways in which our reaction to violent white supremacy should not become an overreaction that infringes on civil rights and civil liberties.

First, whatever one's view might be of enacting a statutory provision that would criminalize certain acts of violence done with the intent to intimidate or coerce that are not covered by existing federal terrorism statutes—such as firearms attacks unconnected to any foreign terrorist organization—there is reason for caution against taking the additional, more aggressive step of creating a domestic analogue to the existing foreign terrorist organization designation regime. Doing so would raise difficult constitutional questions and would, moreover, invite potentially fraught determinations about which domestic groups should be listed.

Second, augmenting efforts against violent white supremacy must not be confused with or used as an excuse for—harassing communities of any sort or for intimidating or otherwise interfering with the lawful expression of political advocacy. It is the pursuit of political goals *through violence* that distinguishes terrorism and the ideologies underlying terrorism; and it is that resort to violence that has led to the rejection and denunciation of terrorism not only by the U.S. Government but by governments around the world, as well as by international organizations. Preventing the type of violence that has taken the lives of too many Americans in Pittsburgh, Gilroy, El Paso, and elsewhere must be the mission—not infringing on protected expression.

⁹ See McCord (2019).

¹⁰ See Joshua A. Geltzer, Karen Kornbluh, & Nicholas Rasmussen, "Tech Companies Must Fight White Supremacy, Regardless of Political Dangers," *Lawfare*, August 7, 2019, https://www.lawfareblog.com/tech-companies-must-fight-white-supremacy-regardless-political-dangers.

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Third, we must enhance efforts to address violent white supremacy—but we must not think that this is the only ideology that will attract global adherents through modern technologies and spur some of them to acts of violence. Even as we expand our understanding of and response to the transnational terrorist threat from jihadism to white supremacy, we must anticipate that other ideologies are being preached in the dark corners of the Internet, just as white supremacy was—until it broke free. In turn, as we update our counterterrorism laws, policies, and activities, we should be preparing to address *all* forms of politically motivated violence, not just the one immediately before us.

I am grateful for the opportunity to discuss these important issues and look forward to your questions.