

Statement of

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Beyond”**

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Introduction

Good morning Chairman King, Ranking Members Thompson, and Higgins, and members of the committee. Thank you so very much for the privilege of speaking before you, and my son Gabriel, today on behalf of the nonpartisan *Center for the Study of Hate and Extremism*, at California State University, San Bernardino.

My name is Professor Brian Levin and for over 15 years I have served as director of our Center at the University, where I teach in the Department of Criminal Justice, and in our interdisciplinary National Security Studies Program. I also write front-page analysis on national security for the *Huffington Post*, and am one of three generations of officers in my family who have had the honor of serving in the NYPD. I am also a graduate of Stanford Law School, where I was co-recipient of the Block Civil Liberties Award, and of the University of Pennsylvania.

My testimony today will address three basic subjects. First, I will address the *overall homeland terrorist threat*, with particular emphasis on the two most prominent ones coming from violent Salafist Jihadists and Far Right Wing extremists. Second, I will discuss issues relating to these movements in the *context of prisons and post release activities*. Lastly, I will address issues relating to Countering Violent Extremism (CVE) programs in both the context of efficacy, as well as civil rights and civil liberties concerns.

The Contemporary Terror Threat To The American Homeland

The United States faces multiple severe risk factors and a diverse set of emerging contemporary actors in the area of mass terrorism with shots on goal increasingly coming from across both the ideological and competency spectrum. According to the Global Terrorism Database (GTD) at the University of Maryland's START Program, total terror attacks in the United States have increased from nine in 2011 to 19 in 2014, and from no fatalities in 2011, to 18 last year. The GTD data indicated that since 9/11 at least 66 attacks came from right wing extremists, versus about 25 from Muslim ones. Other estimates put the number of homegrown Islamic plots far higher from 63 to 188 according to one of our Criminal Justice Masters' recipients, Cynthia Quintero.

The next deadly mass attack, assassination or crippling infrastructure sabotage may not necessarily come from extremist movements that have had more terrorist attacks or plots before, or even more or better trained adherents. Rather, the next terrorist attack will simply come from whoever is proximate, operational and undetected tomorrow, and we can not mechanistically presume that the totality of these threats solely revolve around any single movement alone, including the two most prominent ones: violent Salafist Jihadists and Far Right Wing extremists. In today's splintered socio-political landscape, increasingly sophisticated organized groups also share the stage with angry, unstable or disenchanting loners; and with smaller informal groups. These latter actors may sculpt idiosyncratic hatreds online, become operational, and even recruit with little external backing. My counsel to the House Judiciary Committee almost exactly twenty years ago is even more valid today:

“Leaderless resistance calls for small autonomous bands of terrorists to further the overall goals of the movement by committing random acts of terror against public institutions, infrastructure targets, and innocent citizens. Information on how to commit such violence is widely available, and an underground market for the tools of destruction exists.”

Former FBI supervisor, Dr. Carl Jensen III, writing in this month’s *American Behavioral Scientist*, that I co-edited, forecasts that over the next five years terrorists will make increasing use of technology, forge new alliances and hybrid structures, and morph between politics, criminal enterprises, and even gangs.

Diverging Assessments of the Overall Terror Threat

While there are significant qualitative and quantitative factors that plausibly skew our Center’s current overall mass terror threat assessment toward violent Salafist Jihadists, available data does not yet indicate that their potency outside of prisons has sparked significant internal activity or a wave of recidivism. While there have been two known Salafist Jihadist prison related plots at differing ends of the operational landscape over the last decade, and some really disturbing incidents involving bigoted literature and poorly vetted clerics, far right extremists, often operating as criminal syndicates, along with other ethnic based prison gangs have been far more prominent and violent within correctional settings.

While violent Salafist Jihadists have achieved extensive notoriety over recent years, they are but a tiny sliver of the estimated 2.7 million law abiding American Muslims. Recent statements by FBI officials tentatively suggest violent Salafist Jihadists are possibly plateauing at the top of an evolving contemporary terrorism threat matrix, with 900 open investigations and six foreign fighter Middle East forays a month, down from a previous sustained level of nine monthly departures. The catalytic civil wars in Syria and Iraq, a well organized overseas ISIS presence, and the most sophisticated use of the Internet ever for terrorist recruitment and training, is indeed the most profound, though hardly the only, threat to our national security.

Moreover, while our Center’s threat assessment currently leans somewhat more towards violent Salafist Jihadist extremists due to ISIS, al Qaeda, al Shaabab and others, it is a close call. For instance, in the post 9/11 era 48 Americans have been killed in far right wing attacks, compared to 31 fatalities in Salafist Jihadist incidents. However, when all casualties, included the wounded are factored in, it is the Salafists who become more prominent. Although the Boston Marathon bombing killed only three civilians, it injured 264 others, with well over one dozen amputees. The subsequent lock down of Boston and surrounding areas during the manhunt for the suspects also had significant economic costs to the region, not to mention the fear from the assailants being on the loose. Either of these metrics would have skewed substantially more toward radical Salafist Jihadists. A recent study by the Anti-Defamation League’s Dr. Mark Pitcavage, also in this month’s *American Behavioral Scientist*, however, shows that lone attacks by active shooters appear more prevalent among right wing extremists. Moreover, a 2014 law enforcement agency survey, by the Police Executive Research Forum found that 74%

regarded anti-government extremism as being among the top threats, while only 39% listed extremist Muslim organizations, but the survey was concluded before ISIS ramped up external recruitment operations. Today's threat scenario is fluid not only by the background of would be actors, but also by the breadth of attack types, and the potential casualties are wide ranging too, from moderate to devastatingly severe.

Prison Extremist Risks Vary

CVE programs, particularly those in the correctional and post-release settings, must be flexible and responsive not only to the diversity of extremist adherents by ideology, but to the civil rights and civil liberties issues that these responses necessarily impact. Context is critical. With respect to prison and post release issues, we may very well be in the eye of a small incarceration storm with only about two hundred Internal Security and Terrorism federal prosecutions last year, compared to over 1200 in 2002. The 2014 figures show a one third decline in cases from five years ago and a 75% decline from the previous ten years, according to the Syracuse University based Transactional Record Access Clearinghouse.

As Mr. Bjelopera points out, many of those convicted during the height of federal prosecution efforts over the last decade have been or will be released soon, while new offenders may be ensnared in the foreseeable future as federal authorities ramp up counter-terrorism investigations related to the recruitment efforts of ISIS and related entities. These numbers however, represent a mere fraction of the 1.5 million prisoners incarcerated nationally, and of the 211,000 incarcerated in the federal system, which accounts for 13% of all prisoners nationally, according to the Bureau of Justice Statistics.

Moreover, researchers urge prudence in our analysis. As Dr. Mark Hamm noted in a National Institute of Justice Study entitled Prisoner Radicalization: Assessing the Threat in U.S. Correctional Institutions:

“[E]xtensive literature review revealed that moving from radicalization to actual recruitment for terrorism is a rare event. Only a small percentage of converts to white supremacy groups and to Islam — primarily, fresh converts, the newly pious, with an abundance of emotion and feeling — turn radical beliefs into terrorist action. Therefore, it seems reasonable to conclude that it is not the sheer number of prisoners following extremist interpretations of religious doctrines that poses a threat; rather, it is the potential for small groups of radicals to form support networks for terrorist goals upon release.”

The JIS Case: Outlier or Bellwether?

Fortunately, to the present time violent activity exhibited by these extremists in the prison and post release context has been significantly less pronounced than in other contexts, with only one identifiable independently operational prison related terror plot in 2005 in Southern California, out of well over 120 post 9/11 cases involving violent Salafist Jihadists. The Jam'iyyat Ul-Islam Is-Saheeh, or JIS, terror plot, however, was the first operational homegrown Salafist Jihadist plot in the post 9/11 era.

The JIS cell and plot formed inside a California State Prison from a small group founded in 1997 by convict Kevin James. Torrance, California police, aided by a regional law enforcement consortium, unraveled a local conspiracy to attack military, Jewish and Israeli targets that was to be financed through a series of armed robberies. The plotters included three American born converts along with a Pakistani born man, and with the exception of extremist literature was completely homegrown. Dr. Hamm observed in his NIJ report that, “James, however, was the first gang member to radicalize inmates into joining a prison gang with a terrorist agenda.” Attempted airplane shoe bomber Richard Reid converted to Islam while incarcerated in Britain, while another terror convict Jose Padilla was a violent gang member with a criminal record before his conversion.

Interestingly, violent Salafist Jihadists, who apparently are classified as international in orientation by authorities, irrespective of their birthplace, citizenship, or gang affiliations, do not appear to have yet developed an imposing prison infrastructure or demonstrated a pattern of recidivism, though the exact extent of their prison radicalism is largely unknown and could very well accelerate as their representation and infrastructure evolves. Muslims, and converts in particular, appear to be among the fastest growing segments of the prison population.

The apparent relative lull in violent Salafist extremism in the correctional and post release setting, while possibly temporary, is probably due to a variety of factors. First, because of a post 9/11 pivot to terrorism interdiction, many federal prosecutions come at earlier stages of criminality than was previously the case. Thus, some of those ensnared are less competent, motivated and operationally advanced than was previously the case. Moreover, these defendants, often convicted on lesser charges, lack the structural and communicative connections to organized gang or terror groups compared to other extremists, or even fellow travelers on the outside. The Center on Law and Security at New York University, School of Law found that in the decade following 9/11 the five most charged offenses in terrorism cases were:

1. 18 U.S.C. § 371; Conspiracy to commit offense or to defraud the United States,
2. 18 U.S.C. §2339A; Providing material support to terrorists,
3. 18 U.S.C §2339B; Providing material support or resources to designated foreign terrorist organizations,
4. 18 U.S.C. §1001; (False) Statements or entries generally, and
5. 18 U.S.C. §1956; Laundering of monetary instruments

Lastly, with the exception of individuals like Egyptian clerics “Blind Sheikh” Omar Abdel-Rahman and hook handed cleric Abu Hamza al-Masri nearly all of the convicted Salafist Jihadists were not part of the hierarchy of the movement or considered theologically authoritative. The lack of accessible incarcerated charismatic leaders may have been a factor in stunting the spread of certain types of radicalism.

Far Right Wing Extremists

Another prominent terrorist threat comes from adherents to an array of extreme far right wing ideologies. These far right wing extremists, who are properly distinguished from peaceful politically active Conservative citizens, are steeped in deep-seated bigotry, an array of increasingly mainstreamed conspiracy theories, and exhibit a profound distrust of pluralistic democratic governance. Distressingly, it should be noted that trust in government and other institutions including religion, media, academia, finance and healthcare have declined precipitously in recent decades across the general population as well.

The FBI reportedly lists seven current domestic extremist categories, with four arguably falling under the extreme right wing umbrella:

- *White Supremacists*
- *Anti-government Militias*
- *Abortion extremists*
- *“Sovereign Citizen” Nationalists*

Some like white supremacists and neo-Nazis have a significant prison presence nationally because they belong to more structured hate groups or racial criminal syndicates, like Aryan Brotherhood, Nazi Low Riders and California’s Public Enemy Number 1, a racist gang that exists both inside and outside of prisons. In the racist neo-Nazi and white supremacist subculture there is significant approbation for violence, with imprisonment serving as a mark of distinction. These bigots, like Animal Liberation adherents, Jewish radicals, Black Separatists and violent Anti-Abortion extremists regard many of their incarcerated ideologues as political prisoners who took a selfless stand against a corrupt powerful government and immoral society. In the neo-Nazi and white supremacist sub culture some prisoners are hailed as folk heroes and political prisoners of the “Zionist Occupation Government.”

For example, prisoner and federal felon David Lane was a cofounder of the violent domestic terrorist group, The Order, which took its name from fictional anti-government terrorists in the racist *Turner Diaries* novel. Before his death behind bars in 2007, Lane became a folk hero and “political prisoner” whose written works were widely circulated throughout the white supremacy world, while his “14 words” became a mantra for violent racists, including the mass killer of African-American Charleston church members earlier this year. Upon his death memorials for him were held around the world.

As Think Progress Online Magazine recently observed:

“White supremacist prison gangs are the only formal subculture in the American racist movement that is thriving, and yet, ironically, their ideology is also the most superficial and least consequential to their day-to-day operations...The Aryan Brotherhood is widely considered the oldest and most notorious racist prison gang in the United States.”

CVE Responses in the Correctional and Post Release Context

In the correctional context, both pragmatism and civil rights protections can be coextensive. As President Obama counseled, “As for our common defense, we reject as false the choice between our safety and our ideals.” It is one thing to discuss terror threats in general, but prisons ensnare and release individuals first, rather than ideologies.

As seen below extremists are individuals with differing influences, so there is simply no one size fits all solution, nor one that is foolproof. Extremists like Holocaust Museum shooter James Von Brunn, served six years in prison for an armed plot against Federal Reserve members before his murderous attack decades later. In France Amedy Coulibaly was radicalized in prison by “segregated” al Qaeda supporter Djamel Beghal, before his homicidal rampage this past January, years after his release. Alleged Army of God member Shelley Shannon firebombed clinics and shot a physician. She nonetheless, still communicated with “Reverend” Paul Hill during her incarceration, before he murdered two people outside a Pensacola, Florida clinic.

Extremists come in three general types:

- ***Ideologically Motivated***
 - Religious
 - Political
 - Hybrid
- ***Psychologically Dangerous***
 - Cognitively Impaired **OR**
 - Sociopath
- ***Personal Benefit or Revenge***
(Most can be “mixed and matched,” but **one is dominant.**)

Randy Borum defines radicalization as the “*process of developing extremist ideologies and beliefs.*” As Pete Simi and Bryan Bubolz point out the transition from nonviolent to violent ideology can include a variety of catalytic influences including:

- *Internet propaganda,*
- *social networks and personal connections to existing extremists,*
- *religious and political leaders,*
- *and intergroup conflicts.*

Governmental programs promoting deradicalization, that is the social and psychological desistance from violent extremism, occurs internationally, where laws, state authority, societal norms and religious roles vary significantly. Horgan and Braddock observed that internationally, these programs involve education, occupational assistance, mentoring, psychological assistance, and encouraging a shift to positive social networks. In the United States, where large numbers of prisoners are dispersed across federal and state institutions, deradicalization programs are not as focused or sophisticated as some of our

smaller allies, but are sometimes modeled from those used in the gang and cult disengagement process.

Cilluffo, Cardash and Khor detail an intensive, culturally unique, Saudi program that nonetheless still has a failure rate of 10-20%:

Since 2004 Saudi Arabia has operated one of the most high profile terrorist deradicalization and disengagement programs in the world. The Saudi approach blends coercion with an appeal to family/clan honor by integrating detainees' family members into the deradicalization and disengagement effort, in part by holding a close male relative responsible for keeping the released prisoner out of trouble following release. Significant financial resources are likewise invested in the case of each detainee in order to provide the individual with the tools necessary (such as a car and a job) to succeed outside of prison and the realm of violent extremist groups. Regarding the counseling component, Muslim clerics meet with detainees and prisoners as part of the Saudi program. To facilitate reintegration back into society and after-care, both governmental and non- governmental agencies are involved.

While domestic programs are still being developed, some key final points are worth noting. Correctional and post release programs, by their very nature restrict liberties. (See *e.g. Hudson v. Palmer*, 468 U.S. 517 (1984)). However, in 1987, the United States Supreme Court held that prison walls "do not form a barrier separating prison inmates from the protections of the Constitution." (*Turner v. Safley*, 482 U.S. 78, 84). The high court further held that prison regulations impinging on constitutional rights must be "reasonably related to legitimate penological interests." Still, the Court granted deference to prison officials by instructing judges to exercise a "policy of judicial restraint" in cases of constitutional claims by prisoners.

Outside of prison, in many instances, depending on individualized threat assessments and conditions of release, it may be necessary to monitor or restrict contacts, travel, weapon possession, drug use, technology and employment, among other things. However, whatever restrictions or aftercare measures are implemented, they must be applied based on objective individualized criteria and not discriminatory stereotypes that not only violate civil rights, but damage offender disengagement from extremists, as well as trust from the mainstream communities that are essential to our partnerships.

It is key that CVE responses in this context should take into account the following:

- The reestablishment of moderating influences from offender's family and community may be key, as they provide an alternative during disengagement from anti-social associations.
- Individualized, and culturally specific programs and aftercare, which may include emotional counseling, substance rehabilitation and vocational training should be considered
- Flexible monitoring and counseling by trained professionals should be individually tailored to promote disengagement and prevent reinfection.

- When indicated and legal, monitoring may include associations, technology access, financial reporting, employment, location and long distance travel.
- CVE programs should be more open to legitimate academic research as restrictions make objective micro research on individuals as well as trend analysis difficult.
- CVE programs addressing extremism should always be implemented to consider all religious backgrounds and all parts of the political spectrum in a manner that does not infringe on Constitutional rights.

In the word's of Senator Robert Kennedy, let us work together toward this noble effort to:
“[D]edicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world. Let us dedicate ourselves to that, and say a prayer for our country and for our people.”

Thank you. I will address any question the committee may have

Appendix

Definition of Terrorism

The unlawful use, or threatened use, of force or violence by a group or individuals; to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

(Federal Bureau of Investigation, Counterterrorism Division, 2007).

FBI National Domestic Threat Assessment

- White Supremacist Extremists
- Black Separatist Extremists
- Anti-government Militias
- Abortion Extremists
- Violent Animal Rights
- Environmental Extremists
- "Sovereign Citizen" Nationalists
- Anarchists

Terrorist Incidents Directed towards Americans by U.S. Deaths

1. 9/11 Attacks, Incendiary Bombing by Aircraft, NY, DC, PA 2975 killed, 9/11/ 2001 Al Qaeda

2. U.S. Marine Barracks, Truck Bombing , Beirut, Leb., 241killed (US) 10/23/1983 Hizbollah precursor

3. Pan Am Fl. 103, Aircraft Bombing, Lockerbie, Scotland, 270 killed (189 US), 12/21/ 1988 Libyan Agent

4. Murrah Fed. Bldg., Truck Bombing, Oklahoma City, OK, 168 killed 4/19/1995 Anti-gov't extremists

5. Bath, MI School Bombings, Bombing, 44 killed, 5/18/1927 Disgruntled taxpayer

6. Wall Street Bombing, Horse cart Bomb, NY, 35 killed, 9/16/1920 Socialists/Anarchists Suspected

7. Los Angeles Times Bldg., Bombing, Los Angeles, CA, 21killed, 10/01/ 1910, Union militants

Source: Center for the Study of Hate & Extremism

Extremists by Organizational Structure

- **Lone Offender**

Ted Kaczynski, Unabomber (1978-1995)

James Vonn Brunn, Holocaust Museum Shooter(2009)

Richard Poplawski, Pittsburgh Police Killer (2009)

Kevin Harpham, WA MLK Parade Bomb Plot (2011)

- **Duo (Leader & Follower)**

John Allen Muhammed & Lee Boyd Malvo, DC Sniper (2002)

Timothy McVeigh & Terry Nichols, Oklahoma City Bombings (1995)

- **Autonomous Cell**

The Order (Neo Nazi, 1980s)

JIS (CA- 1st operational Jihadist Cell)

- **Command Cell/ Large Group**

9/11

Symbionese Liberation Army

Weather Underground

Traditional Ku Klux Klan

Terrorism by Method

- Explosives
- Arson
- Active Shooting
- Targetted Assassination
- Multiple Simultaneous Targeting
- WMD
- Sabotage
- Chem/Bio
- Radiological Nuclear
- Disabling Infrastructure: Cyber, Transport, Communication, Energy

Potential Targets by Type

- **Symbolic**

Government

Religious

Cultural

Political

Financial Center

- **Military/Police**

- **Aviation & Transit**

- **Other Infrastructure: Power Grids**

- **Cyber**

- **Special Events/ Anniversaries**

- **Assassination**

- **Idiosyncratic**

High Density

Events

Entertainment

Schools

Hotels