

Democracy, Radicalism, and Hate Crime in the United States, 2016-2020

By Marina Peunova Connor

Introduction

The United States (U.S.) of America is racially and ethnically diverse. Over the course of the 20th and 21st centuries, the country has transformed from a predominantly white population rooted in European culture, to a society with a kaleidoscopic range of racial and ethnic minorities. While in the 1900s, the U.S. population was over 85% white and the nonwhite minority was composed primarily of black Americans living in the post-abolition rural South, there are many racial categories that are recognized in the U.S. today, including White American, Black or African American, Native American, Alaska Native, Asian American, Native Hawaiian, and Other Pacific Islander, Hispanic/Latino people, as well as persons of two or more races. American ethnic and religious communities also include Arab, Muslim, and Jewish populations.

According to the latest U.S. Census, white Americans are the racial majority that currently make up 77% of the population of the nation.¹ Hispanic and Latino Americans have replaced black Americans as the largest ethnic minority, comprising an estimated 18% of the population. African Americans are the second largest racial minority, comprising an estimated 13% of the population. It is estimated that more than half of the children born in the U.S. today are non-white and that by 2042, the U.S. will become a majority minority country with whites being less than 50% of the population. In short, “minority” in the U.S. will have a very different meaning by the middle of the 21st century.

The United States has more immigrants than any other country in the world, and immigration is transforming the U.S. population. Today, more than 40 million people living in the U.S. were born in another country, which constitutes one-fifth of the world’s migrants.² Just about every country in the world is represented among U.S. immigrants, blending people of different races, ethnicities, and cultures, thus being seen as a success story in a transition to a multiracial and a multicultural society.

Americans have historically been divided in their beliefs about long-term effects of growing diversity. While some support the rapid growth of minorities as a welcome continuation of the “melting pot” tradition, others fear the waning disappearance of America’s European heritage. These anti-immigrant anxieties find solace in populist and xenophobic political promises and policies, as well as in racial and ethnic protests and extremist acts. Thus, in previous waves of anti-immigrant unrest that predated this trend’s most recent permutation during the administration of Donald J. Trump, a war on illegal immigration proliferated in the 1990s, mobilized voters and fueled American politics. During that decade, Americans also witnessed racial riots in Los Angeles, the burning of African American churches in the South, and murders on racial grounds, including of a Filipino postal worker in California³ and of a black man in

¹ <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf>.

² <https://www.pewresearch.org/hispanic/2020/08/20/facts-on-u-s-immigrants/>.

³ <https://www.latimes.com/archives/la-xpm-1999-aug-11-me-64731-story.html>.

Texas.⁴ Presidents Bill Clinton, George W. Bush and Barack Obama all built walls and fortified the U.S.-Mexico border and increased the number of Border Patrol agents. Interestingly, these anti-immigration federal policies did not always match actual immigration patterns. Even at times when immigration stabilized and dropped, politicians continued to use xenophobia to mobilize voters, pass anti-immigration laws, and support for-profit detention facilities. In short, the idea that undocumented immigrants, as well as minorities, present a danger to the U.S has deep historical roots.⁵

The latest upsurge of xenophobic anxieties became the keystone of Trump's presidential election in 2016. From demonizing Mexican immigrants as "rapists" and "criminals" and pledging to build a wall along the entirety of the U.S.-Mexico border, to branding Syrian refugees as a "Trojan horse" and ISIL supporters,⁶ The Trump administration has helped radicalize American political discourse that has benefited extremists across the ideological specter, ranging from proponents of the radical right to Islamists to the representatives of the radical left.

1. Legislation affecting the interests of minorities:

While Trump was elected on his "white grievance," xenophobic, nativist, anti-immigration, isolationist rhetoric, with which he energized far-right groups, he delivered on some, but not all of his promises.

Migration Legislation:

Since Trump took office in January 2017, he has embarked on an aggressive mission of curbing migration and reversing some of the civil and human rights progress that the U.S. has made over the course of its history. It has been estimated that, by the end of his presidential term, Trump will cut legal immigration by half.⁷ In a major sway not seen since the 1990s, Trump's administration managed to undo some major tenets of a U.S. immigration system without actually changing the laws. With little help from Congress and with significant resistance from the courts, Trump has essentially succeeded in transforming the immigration system through 400 executive actions and other administrative pathways, including public rules and agency memorandums.⁸ He also relied on the "self-referral authority" of the U.S. Attorney General. Unlike other courts in the U.S., immigration courts are controlled by the Justice Department. As the head of the Justice Department, the Attorney General has exercised a previously little-used authority to reopen and refer immigration cases to himself for a new decision, while rewriting

⁴ <http://edition.cnn.com/US/9807/06/dragging.death.02/>.

⁵ For a good overview of the history of xenophobia in the U.S., see Erika Lee. *America for Americans: A History of Xenophobia in the United States*. New York: Basic Books, 2019.

⁶ <https://www.bbc.com/news/av/world-us-canada-37230916>; <https://www.cnn.com/2015/11/16/politics/donald-trump-syrian-refugees/index.html>.

⁷ <https://nfap.com/wp-content/uploads/2020/07/Immigrants-and-Americas-Comeback-From-The-Covid-19-Crisis.NFAP-Policy-Brief.July-2020.pdf>.

⁸ For a detailed catalogue of all 400-plus executive actions during Trump presidency, see https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

long-standing legal precedent in the process.⁹

Trump's immigration policies during the first year were defined by the original travel ban that was introduced on January 27, 2017 by the Executive Order 13769 "Protecting the Nation from Foreign Terrorist Entry into the United States."¹⁰ It aimed to keep radical Islamic terrorists out (namely, it prohibited from entry all aliens from Iran, Iraq, Syria, Libya, Sudan, Somalia, and Yemen for 90 days). This original travel ban was revised twice, first by another executive order, issued in March of that year,¹¹ and then by a presidential proclamation "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats," which was issued on September 24, 2017.¹² This latest proclamation added Chad, North Korea, and Venezuela to list of the countries under the ban, in order to make the ban appear non-discriminating towards Muslims.

On June 26, 2018 the U.S. Supreme Court upheld Trump's ban on travel from several countries in *Trump vs. Hawaii*.¹³ The court's conservative majority agreed with Trump's administration's argument that the so-called Muslim ban¹⁴ was designed to protect national security of the U.S. The court found no evidence of discrimination or religious prejudice and ruled that it was an unbiased, neutral policy justified by national security concerns. This court decision indicates that President Joe Biden's attempt to remove the ban once he is inaugurated will face serious challenges.

In another radical move, and in a disregard for international law, Trump announced, in November 2018, an "asylum ban" that barred immigrants who enter the country between border checkpoints from claiming asylum. During the period under review, the asylum system was essentially shut down at the southwest border and refugee admissions were cut. An avalanche of policies included the **Migrant Protection Protocols**,¹⁵ or **MPP**, also known as the "Remain in Mexico" program, which outsourced the asylum obligations to a country which cannot meet them. For example, MPP program has left LGBT asylum seekers stranded in Mexican border towns and other countries (see below) that do not provide protections. Under the MPP, the U.S. immigration officials sent more than 68,000 Central American asylum seekers, including families with children, to Mexico, where they face serious risks, significant challenges preparing their asylum claims and repeated delays in having their cases heard, thus deferring people from seeking asylum and from their humanitarian needs being met.¹⁶ The Supreme Court has allowed

⁹ <https://www.vox.com/policy-and-politics/2018/5/14/17311314/immigration-jeff-sessions-court-judge-ruling>.

¹⁰ <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>

¹¹ <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/>

¹² <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/>

¹³ https://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf

¹⁴ This executive order is reminiscent of the ban of Mexicans in the 1930's and 1950's, as well as the immigration policies toward Jewish refugees during and after the World War II.

¹⁵ https://www.dhs.gov/sites/default/files/publications/19_0129_OPA_migrant-protection-protocols-policy-guidance.pdf.

¹⁶ <https://trac.syr.edu/phptools/immigration/mpp/>.

the implementation of this policy to continue while the policy is being challenged in the courts. According to the Human Rights First, victims of the MPP program have suffered more than 1,100 incidents of abuse including murder, rape, kidnapping, and torture.¹⁷

The Department of Homeland Security has also pressured governments of Honduras, Guatemala, and El Salvador into signing safe third country agreements which require migrants intending to seek asylum in the U.S. to seek asylum in those countries first.¹⁸ In cases where the asylum seeker is already on U.S. soil, they will be deported to one of the three countries, but not their country of origin.

If prior to the Trump presidency the U.S. was, for almost four decades, a world leader in humanitarian policies that provided a sanctuary for refugees (admitting more refugees each year than all other countries combined), during the period under review the U.S. had the lowest refugee admission rates in the world.¹⁹ For example, refugees from Venezuela were denied visas and an annual ceiling for refugees is now 84% lower than during the final year of the Barack Obama administration (the number of refugees went down from 110,000 to 18,000).²⁰ As of July 17, 2020, only 7,848 refugees arrived in the U.S. As of Dec, 2019, 24, 451 Venezuelans were facing removal in immigration courts, a 277% increase from September, 2018. Thus, between 2017 and 2019, over 900 Venezuelans were sent back home.²¹

¹⁷ <https://www.humanrightsfirst.org/sites/default/files/PubliclyReportedMPPAttacks5.13.2020.pdf>.

¹⁸ https://www.dhs.gov/sites/default/files/publications/19_1003_opa_fact-sheet-agreements-northern-central-america-countries.pdf.

¹⁹ https://www.pewresearch.org/wp-content/uploads/2019/10/FT_19.10.07_Refugees_US-trailed-world-refugee-resettlement-2017-2018.png?w=640

²⁰ https://www.washingtonpost.com/world/national-security/even-as-trump-tightens-asylum-rules-thousands-of-venezuelans-find-a-warm-welcome-in-miami/2018/05/15/5e747fec-52cf-11e8-a551-5b648abe29ef_story.html.

²¹ <https://www.ice.gov/sites/default/files/documents/Document/2019/eroReportFY2019.pdf>

U.S. trailed rest of world in refugee resettlement in 2017 and 2018 after leading it for decades

Number of refugee admissions, in thousands, by calendar year



Note: Figures rounded to the nearest thousand.

Source: Pew Research Center analysis of United Nations High Commissioner for Refugees data, accessed June 12, 2019.

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By focusing on deterrence, the Trump administration instituted new ways that countered American and international refugee law and practice.²³ The MPP program narrowed eligibility grounds for asylum.²⁴ Under U.S. law, an asylum seeker must prove a well-founded fear of persecution in their country of origin based on religion, race, nationality, political opinion, or membership in a “particular social group.” The Trump administration has changed how these eligibility requirements are defined, drastically reducing the number of people who are eligible for asylum. These changes affect the family members (thus, a July 2019 decision, being persecuted based on threats against a family member is no longer likely to qualify someone for asylum); victims of domestic gang violence (in June 2018, then-Attorney General Jeff Sessions announced that most people fleeing domestic violence or gang violence would not qualify); and individuals charged with misdemeanor offenses (a rule that was finalized by the administration in October 2020).

²² <https://www.pewresearch.org/fact-tank/2019/10/07/key-facts-about-refugees-to-the-u-s/>.

²³ https://www.migrationpolicy.org/sites/default/files/publications/MPI_US-Immigration-Trump-Presidency-Final.pdf.

²⁴ <https://www.texastribune.org/2018/07/12/migrants-asylum-tougher-guidelines/>.

The MPP program also restricted number of asylum seekers allowed into ports of entry each day (the practice of “metering”) and led to family separation.²⁵ In early 2018, the U.S. Citizenship and Immigration Services (USCIS) announced it would process recent affirmative applications for asylum before older ones, thus slowing the processing of asylum claims. This “last in, first out” policy will add years to the time that asylum seekers who applied prior to 2018 have to wait for their interviews.

Since the start of the COVID-19 pandemic, the U.S. government has indefinitely postponed all immigration court hearings, effectively stranding asylum seekers in Mexico and Guatemala. This temporary halt on the “safe” third country agreement with Guatemala came after reports revealed that the U.S. deported dozens of infected migrants to Guatemala.²⁶

There were more restrictions to asylum due to the COVID-19 pandemic. New travel restrictions based on an order issued by the Center for Disease Control allows the U.S. government to turn back asylum seekers including accompanied children, at the border.²⁷ This travel restriction violates both U.S. and international law. The Center for Disease Control issued this rule without regard for treaties ratified by the U.S. which state that even in times of emergency like the COVID-19 pandemic, the U.S. is obligated to protect refugees and asylum seekers.²⁸ The swift expulsion of asylum seekers restricts their access to legal protections designed to ensure they are not returned to threats of persecution. Furthermore, the attorney general has stripped immigration judges of the authority used to decide which asylum seekers can be released from detention while they await the outcome of their asylum case. Asylum seekers continue to face indefinite detention while seeking protection.

The Trump administration also piloted a program called the **Prompt Asylum Claim Review (PACR)**, which will hasten the removal of asylum seekers by making it harder for them to meet with a lawyer and fast tracking the deportation process to 10 days. Previously, asylum seekers who crossed into the U.S. were transferred to Immigration and Customs Enforcement (ICE) detention centers, where ICE must provide access to a telephone and an opportunity to meet with an attorney to prepare for an asylum screening and review by an immigration judge. Under PACR, asylum seekers are kept in Customs and Border Protection (CBP) facilities, rather than transferred to ICE. They have 24 hours to call a family member or an attorney before being interviewed by an asylum officer. More than 1,000 asylum seekers have already been affected by this program, which denies them their rights to due process and legal counsel. While the

²⁵<https://www.theyoungcenter.org/stories/2019/12/12/the-migrant-protection-protocols-are-harming-children-and-must-end>.

²⁶<https://theconversation.com/migrant-caravans-restart-as-pandemic-deepens-the-humanitarian-crisis-at-the-us-mexico-border-146893>.

²⁷<https://www.npr.org/2020/08/06/898937378/end-of-asylum-using-the-pandemic-to-turn-away-migrants-children-seeking-refuge>.

²⁸ Namely, it potentially violates three international treaties (which were signed and ratified by the U.S.): the 1967 Refugee Protocol (which guarantees the human right to seek asylum); the Convention Against Torture (which prohibits deporting asylum-seekers to places where they may face bodily harm); and the Geneva Convention on the protection of conflict-affected civilians (which requires humane treatment for civilian detainees, even in war). See <https://www.unhcr.org/4d9486929.pdf>; <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>; <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/c525816bde96b7fd41256739003e636a/a4e145a2a7a68875c12563cd0051b9ae>.

litigation continues, the Trump administration also started enforcing “expedited removal”²⁹ or immediate deportation proceedings for any non-citizen who has not been admitted/paroled at a port of entry, found anywhere in the U.S. and has been in the country for less than two years. This policy stripped undocumented immigrants, especially asylum seekers, of their access to legal representation to pursue an immigration pathway.

Trump’ s immigration policies included (but were not limited to):

- The order, on September 5, 2017, to end the **Deferred Action for Childhood Arrivals (DACA)** program which currently enrolls 700,000 children ages 11 and up. This program shields some young undocumented immigrants, commonly referred to as “Dreamers,” who often arrived at a very young age in circumstances beyond their control, from deportation.³⁰
- On November 17, 2018 the US Citizenship and Immigration Services released an update stating that immigrants applying for U and T and three other types of humanitarian relief visas could be more easily placed in deportation proceeding if their applications are denied and they do not have an underlying legal status. This affected crime survivors, relatives of asylum seekers, young immigrants requesting the protection of a juvenile court, as well as women seeking protection under the **Violence Against Women Act**.
- The 2020 pandemic also contributed to the naturalization backlog. Over 100,000 to 300,000 immigrants have been waiting to become naturalized, partly because of the COVID-19 pandemic and the closure of the U.S. Citizenship and Immigration Services and the lack of alternative methods, such as administering oaths virtually or in a socially distanced ceremonies). This resulted in many immigrants not becoming citizens in time to be able to vote in the November election.³¹
- On April 6, 2018, Attorney General Jeff Sessions announced a “**zero tolerance**” policy that separated hundreds of immigrant children from their families. The policy had the federal prosecutors criminally prosecute all adult migrants entering the country illegally, leading to the separation of families because children cannot be held in detention facilities with their parents. Over 5,000 children were separated from their families at U.S.-Mexican border. It is estimated that parents of over 500 children still have not been found as of October, 2020.³² Over 5,000 were split from their parents.³³ This policy was proclaimed illegal by the UN and ³⁴

²⁹ <https://fas.org/sgp/crs/homsec/LSB10150.pdf>.

³⁰ In 2012, President Obama issued the DACA executive order after the Development, Relief and Education for Alien Minors (DREAM) Act did not pass in Congress several times. On June 18, 2020, the Supreme Court blocked the Trump administration’s attempt to end DACA.

³¹ <https://projectcitizenship.org/citizenship-applicants-caught-in-backlog-distraught-over-inability-to-vote-this-year-i-feel-like-my-voice-is-not-going-to-count/>; <https://www.forbes.com/sites/stuartanderson/2020/05/14/report-trump-policies-delay-citizenship-for-immigrants-before-election/?sh=4aa045786974>.

³² <https://www.npr.org/2020/10/21/926031426/parents-of-545-children-separated-at-u-s-mexico-border-still-cant-be-found>.

³³ <https://trumphumanrightstracker.law.columbia.edu>.

³⁴ <https://www.nytimes.com/2018/06/05/world/americas/us-un-migrant-children-families.html>.

- On May 22, 2018, Education Secretary Betsy DeVos said that it is up to individual schools to decide whether to call USCIS if they suspect their students are undocumented. This policy would go against the Supreme Court’s 1982s ruling in *Plyler v. DOE* which guaranteed the rights of students to receipt a public education regardless of their immigrant status.
- On October 4, 2019 Trump signed a proclamation requiring visa-seekers to prove their ability to obtain private health insurance within 30 days of arrival in the U.S. or their ability to otherwise pay for health insurance as a condition of admission.³⁵ Many visa-seekers will be affected as they will be unable to buy private insurance. This complication will curtain legal immigration even further.
- Approximately 7.5% of all births in the U.S. (about 300,000 births per year) are to unauthorized immigrants. About 4.5 million children living in the U.S. were born to unauthorized immigrants and received citizenship by birth. On January 24, 2020, the Trump administration adopted a policy to make it more difficult for pregnant foreign women to come to the US where it is suspected that the purpose is to give birth on US soil and thereby to ensure their children become US citizens.³⁶

Anti-Extremism/Terrorism Legislation:

In September, 2020 two members of the far-right anti-government extremist **boogaloo movement** travelled to Minneapolis and began conducting armed patrols of the city with other members of the group. They got arrested and charged with supporting Hamas.³⁷ The charge presents a glaring reflection of a serious gap in U.S. domestic terrorism law.³⁸ The FBI resorted to using an informant who pretended to be a Hamas member because of the absence of a domestic terrorism statute. Without an appropriate legislation, domestic extremists in the U.S. are typically charged with crimes such as making false statements to illegally purchase a firearm or conspiring to mail threatening communications. This approach is flawed because these charges carry considerably less prison time than terrorism charges would (a foreign terrorist organization charge carries a sentence of 20 years in prison). This, current U.S. legislation treats terrorism differently depending on whether the ideology of the perpetrator(s) of the act is foreign or domestic and is therefore ill-suited for prosecuting domestic terrorists.³⁹

USAID defines **violent extremism** as “**advocating, engaging in, preparing, or otherwise supporting ideologically motivated or justified violence to further social, economic, and**

³⁵<https://www.whitehouse.gov/presidential-actions/presidential-proclamation-suspension-entry-immigrants-will-financially-burden-united-states-healthcare-system/>.

³⁶<https://www.whitehouse.gov/briefings-statements/statement-press-secretary-regarding-birth-tourism-visa-regulation-rule-change/>.

³⁷<https://www.justice.gov/opa/pr/two-self-described-boogaloo-bois-charged-attempting-provide-material-support-hamas>.

³⁸ Why the FBI had to pretend Hamas wanted to plot with ‘boogaloo boys’; Hughes, Seamus; Lewis, Jon.*The Washington Post (Online)*, Washington, D.C.: WP Company LLC d/b/a The Washington Post. Sep 9, 2020.

³⁹ Why the FBI had to pretend Hamas wanted to plot with ‘boogaloo boys’; Hughes, Seamus; Lewis, Jon.*The Washington Post (Online)*, Washington, D.C.: WP Company LLC d/b/a The Washington Post. Sep 9, 2020.

political objectives.⁴⁰ **Terrorism** is defined in *Title 22 Chapter 38 U.S. Code § 2656f(d)*, for purposes of the State Department’s annual country reports on terrorism, as “**premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.**”⁴¹

Despite all his bellicose anti-Muslim and anti-Obama rhetoric, the Trump Administration’s approach to preventing foreign terrorism have been largely a continuation of that of the Obama Administration. In October 2018, President Trump issued the *National Strategy for Counterterrorism of the United States of America*,⁴² which largely continued many of the Obama policies geared towards preventing and countering the terrorist threat. It was followed by the **Strategic Framework for Countering Terrorism and Targeted Violence**, which was issued in September 2019.⁴³ The main takeaways of this new strategy are that:

- It moved away from the much-criticized Countering Violent Extremism (CVE) program;
- It finally included domestic terrorism and all forms of non-ideologically motivated targeted violence alongside ISIS and al-Qaeda-inspired violence.

Needless to say, Trump’s own actions and rhetoric contradict this approach, making partnership with international allies difficult.

In a departure from Obama policies, Trump signed, in October, 2017, a new counterterrorism operations rule, which loosened prior constraints in kill-or-capture counterterrorism operations involving drone strikes and commando raids.⁴⁴ While Obama-era rules required “near certainty” that an intended target was within a strike zone, Trump’s new rules lower the requisite level of confidence to “reasonable certainty.” Furthermore, where the Obama administration’s policy had necessitated individualized, high-level vetting of strikes, the new rules instead allow for a “persistent campaign of direct action” in countries where Islamist militants operate, without specific review of each strike.

While the U.S. government does not The US government does have the legal tools to designed far right extremists as domestic terrorists, it can rely on the existing legislation and label white supremacist and other far-right extremist groups as foreign terrorist organizations when they meet the qualifications as such and pose a threat to the United States. Thus, the State Department

⁴⁰ https://www.usaid.gov/sites/default/files/documents/1870/VEI_Policy_Final.pdf

⁴¹ <https://uscode.house.gov/view.xhtml?path=/prelim@title22/chapter38&edition=prelim>

⁴² <https://www.whitehouse.gov/wp-content/uploads/2018/10/NSCT.pdf>.

⁴³ https://www.dhs.gov/sites/default/files/publications/19_0920_plcy_strategic-framework-countering-terrorism-targeted-violence.pdf

⁴⁴[https://mobile.nytimes.com/2017/10/28/us/politics/aumf-congress-niger.html?smid=tw-share&_r=0&referrer=;](https://mobile.nytimes.com/2017/10/28/us/politics/aumf-congress-niger.html?smid=tw-share&_r=0&referrer=)
<https://www.hrw.org/news/2017/11/01/us-new-drone-rules-increase-risks-civilians#>.

designated, for the first time, a far-right organization, the **Russian Imperial Movement** (which tried to recruit paramilitaries in the U.S.), as a global terrorist organization.⁴⁵

There have been a number of recent high-profile incidents involving far-right extremists where the accused are service members or veterans.⁴⁶ The **FY2020 National Defense Authorization Act (P.L. 116-92)** included a provision requiring the Pentagon to include in appropriate surveys whether any service members had witnessed extremist activity in the workplace and had reported it.⁴⁷ It also required the Secretary of Defense to study the feasibility of screening individuals who seek to join the military for extremist and gang-related activity.⁴⁸

President Trump's administration has taken steps in their attempt to designate the **Muslim Brotherhood** a foreign terrorist organization.⁴⁹ In case of success, this would bring sanctions against the Muslim Brotherhood.⁵⁰ As of August 2020, the Muslim Brotherhood is still not designated as a terrorist organization. In August 2020, Egyptian authorities arrested the Brotherhood's acting supreme guide, Mahmoud Ezzat.⁵¹

The Trump administration designated the Iran's **Revolutionary Guards** as a terrorist organization. Sanctions were announced on the Iranian military arm on April 8, 2019.⁵²The move

⁴⁵ <https://www.state.gov/united-states-designates-russian-imperial-movement-and-leaders-as-global-terrorists/>.

⁴⁶ Keller, Jared. "Meet the 'Boogaloo boys,' the violent extremists attracting members of the US military." *Task & Purpose*, 24 June 2020, taskandpurpose.com/analysis/boogaloo-movement- explainer. Accessed 30 Aug. 2020. Lamothe, Dan and Souad Mekhennet. "Soldiers' cases highlight reach of white supremacy in U.S. military." *The Washington Post*, 25 June 2020, www.washingtonpost.com/national-security/soldiers-cases-highlight-reach-of-white-extremism-into-us-military/2020/06/25/0203532e-b582-11ea-9b0f-c797548c1154_story.html.

⁴⁷ United States Congress, Senate Armed Services Committee. "S.1790 – National Defense Authorization Act for Fiscal Year 2020." 116th Congress, www.congress.gov/bill/116th-congress/senate-bill/1790, sec. 593.

⁴⁸ activity United States Congress, House of Representatives. "H. Rept. 116-333 – National Defense Authorization Act for 2020." 116th Congress, www.congress.gov/congressional-report/116th-congress/house-report/333/1?overview=closed, sec 530.

⁴⁹ <https://www.nytimes.com/2019/04/30/us/politics/trump-muslim-brotherhood.html>.

⁵⁰ H.R. 377/S. 68, or the "Muslim Brotherhood Designation Act of 2017," directs the U.S. State Department to determine whether the Muslim Brotherhood (MB) is a Foreign Terrorist Organization (FTO) pursuant to Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189). See also Barker, Peter. "White House Weighs Terrorist Designation for Muslim Brotherhood." *The New York Times*. February 7, 2017. <http://nyti.ms/2k0um3x>. From 2014 to 2017, five bills seeking to designate the Muslim Brotherhood as a terrorist organization were introduced in Congress and were supported almost exclusively by Republicans. None of these bills were enacted into laws. In Europe, on the other hand, no country has designated the Brotherhood as a terrorist organization, the rationale being that the Brotherhood does not pose a direct security threat to the West but rather constitutes a political and social challenge to the European societies.

⁵¹ <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2019/5/7/the-united-states-and-the-egyptian-muslim-brotherhood-understanding-a-chaotic-history>

⁵² <https://www.nytimes.com/2019/04/08/world/middleeast/trump-iran-revolutionary-guard-corps.html>.

against the Iranian military was the first time the United States had interpreted its counterterrorism laws as permitting an entity of a nation-state government to count as terrorists.

Discriminatory Legislation Affecting Minorities:

As is well known, Trump opposes **LGBT** rights, including the Equality Act (the passage of which has been one of the top priorities for LGBT community since the enactment of same sex marriage by the Supreme Court. His administration has issued regulations, executive orders, and policies that have largely reversed Obama-era advances to improve the lives of LGBTQ people. For example, the Trump administration has argued in three U.S. Supreme Court cases that discrimination protection on the basis of sex does not apply to transgender people. It banned transgender troops from serving in the military, refused to enforce protections prohibiting discrimination based on gender identity and sexual orientation for students and workers. All LGBTQ references were removed from the White House, Department of State and Department of Labor websites right after Trump took office. LGBTQ refugees were banned from entering the country fleeing from discrimination. Some of this discriminatory legislation was introduced under the banner of protecting religious minorities.

Below is a selective timeline of some of the anti-transgender and anti-LGBT actions that were taken in the last two years:⁵³

- On July 23, 2020, the Department of Housing and Urban Development formally announced the rollback of a previous rule that protected transgender people from discrimination by homeless shelters and other housing services receiving federal funds.⁵⁴
- On June 19, 2020, the Department of Health and Human Services announced that it finalized the extensive rollback of health care discrimination rules, to eliminate the protections for transgender people experiencing discrimination in health care settings and/or by insurance companies denying transition-related care, as well as to weaken nondiscriminatory access to health care for those with Limited English Proficiency.⁵⁵
- On May 15, 2020 the Department of Education declared that the federal Title IX rule requires school to ban transgender students from participating in school sports, and threatening to withhold funding from Connecticut schools if they do not comply.⁵⁶
- On May 8, 2020, the Department of Health and Human Service initiated a policy eliminating collection of sexual orientation data on foster youth and foster and adoptive parents and guardians and rejecting proposals to collect gender identity data.⁵⁷

⁵³ <https://transequality.org/the-discrimination-administration>.

⁵⁴ <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/09/03/490004/trump-administrations-latest-attack-transgender-people-facing-homelessness/>.

⁵⁵ <https://www.npr.org/sections/health-shots/2020/06/12/868073068/transgender-health-protections-reversed-by-trump-administration>.

⁵⁶ <https://www.adflegal.org/sites/default/files/2020-05/Soule%20v.%20Connecticut%20Association%20of%20Schools%20-%20U.S.%20DOE%20Office%20for%20Civil%20Rights%2C%20Letter%20of%20Impending%20Action.pdf>.

⁵⁷ <https://www.federalregister.gov/documents/2020/05/12/2020-09817/adoption-and-foster-care-analysis-and-reporting-system>.

- On May 6, 2020, the Department of Education published a final rule encouraging schools to dramatically weaken protections for student survivors of sexual violence and harassment, and eliminating a provision that encouraged religiously-affiliated schools to notify the Department and the public of their intent to discriminate on the basis of sex under a Title IX waiver.⁵⁸
- January 16, 2020 nine federal agencies - Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Justice, Labor, and Veterans Affairs, and the U.S. Agency on International Development - all proposed rule changes that would eliminate the rights of people receiving help from federal programs to request a referral if they have a concern or problem with a faith-based provider and to receive written notice of their rights; and that would encourage agencies to claim religious exemptions to deny help to certain people while receiving federal funds.⁵⁹
- On November 1, 2019 the Department of Education published final regulations permitting religious schools to ignore nondiscrimination standards set by accrediting agencies.⁶⁰
- On August 16, 2019 the Department of Justice filed a brief in the U.S. Supreme Court arguing that federal law “does not prohibit discrimination against transgender persons based on their transgender status.”⁶¹
- On August 14, 2019 the Department of Labor announced a proposed rule that would radically expand the ability of federal contractors to exempt themselves from equal employment opportunity requirements, allowing for-profit and non-profit employers to impose “religious criteria” on employees that could include barring LGBTQ employees.⁶²
- On July 15, 2019 the Departments of Justice and Homeland Security announced an interim final rule that would block the vast majority of asylum-seekers from entering the United States, with deadly consequences for those fleeing anti-LGBTQ violence.
- On July 8, 2019 the Department of State established a “Commission on Unalienable Rights” aimed at narrowing our country’s human rights advocacy to fit with the “natural law” and “natural rights” views of social conservatives, stating it would seek to “be vigilant that human rights discourse not be corrupted or hijacked or used for dubious or malignant purposes.” (Shortly thereafter, the State Department official tasked with coordinating the new commission was fired for “abusive” management including homophobic remarks.)
- On May 14, 2019 President Trump announced his opposition to the Equality Act (H.R. 5), the federal legislation that would confirm and strengthen civil rights protections for LGBTQ Americans and others.

⁵⁸ <https://www.nytimes.com/2020/05/06/us/politics/campus-sexual-misconduct-betsy-devos.html>.

⁵⁹ <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-safeguarding-right-religious-freedom-students-organizations/>

⁶⁰ <https://www.federalregister.gov/documents/2019/11/01/2019-23129/student-assistance-general-provisions-the-secretarys-recognition-of-accrediting-agencies-the>

⁶¹ <https://www.buzzfeednews.com/article/dominicholden/trump-trans-scotus>.

⁶² <https://www.federalregister.gov/documents/2019/08/15/2019-17472/implementing-legal-requirements-regarding-the-equal-opportunity-clauses-religious-exemption>.

- May 2, 2019, the Department of Health and Human Services published a final rule encouraging hospital officials, staff, and insurance companies to deny care to patients, including transgender patients, based on religious or moral beliefs.⁶³ This vague and broad rule was immediately challenged in court.
- On April 12, 2019 the Department of Defense put President Trump’s ban on transgender service members into effect, putting service members at risk of discharge if they come out or are found out to be transgender.
- October 25, 2018 U.S. representatives at the United Nations worked to remove references to transgender people in UN human rights documents.
- On June 11, 2018 Attorney General Jeff Sessions ruled that the federal government would no longer recognize gang violence or domestic violence as grounds for asylum, adopting a legal interpretation that could lead to rejecting most LGBT asylum-seekers.
- May 11, 2018 the Bureau of Prisons in the Department of Justice adopted an illegal policy of almost entirely housing transgender people in federal prison facilities that match their sex assigned at birth, rolling back existing protections.
- On April 11, 2018 the Department of Justice proposed to strip data collection on sexual orientation and gender identity of teens from the National Crime Victimization Survey.
- On March 23, 2018 the Trump Administration announced an implementation plan for its discriminatory ban on transgender military service members.⁶⁴
- On March 20, 2018 the Department of Education reiterated that the Trump administration would refuse to allow transgender students to use bathrooms and locker rooms based on their gender identity, countering multiple court rulings reaffirming that transgender students are protected under Title IX.
- On March 5, 2018 the Department Housing and Urban Development Secretary announced a change to its official mission statement by removing its commitment of inclusive and discrimination-free communities from the statement.⁶⁵
- On February 18, 2018 the Department of Education announced it will summarily dismiss complaints from transgender students involving exclusion from school facilities and other claims based solely on gender identity discrimination.⁶⁶

The Trump administration has also impeded the right to vote of a great deal of Americans of color by establishing, in 2017, a commission to develop and advocate for policies to address the specter of voter fraud. Voter **identification laws** are spreading rapidly around the country. Before 2006, no state required photo identification to vote on Election Day. Today 10 states have this requirement. A total of 33 states — representing more than half the nation’s population — have some version of voter identification rules. These laws lower minority turnout.

Minority rights are also undermined in ways that are less obvious. Thus, policy proposals from the U.S. Department of Housing and Urban Development and the U.S. Department of Education,

⁶³ <https://www.hhs.gov/sites/default/files/final-conscience-rule.pdf>.

⁶⁴ <https://www.npr.org/sections/thetwo-way/2018/03/23/596594346/trump-memo-disqualifies-certain-transgender-people-from-military-service>.

⁶⁵ https://www.huffpost.com/entry/hud-mission-statement_n_5a9f5db0e4b002df2c5ec617.

⁶⁶ <https://www.npr.org/sections/ed/2018/02/12/585181704/the-education-department-says-it-wont-act-on-transgender-student-bathroom-access>.

make it harder for families of color to fight against discrimination in U.S. **public housing and schools**. Cuts to the U.S. Environmental Protection Agency will harm African American and Hispanic communities in polluted areas.

The Trump administration also undermined **indigenous rights** by authorizing, right after he was inaugurated in 2017, the U.S. Army Corps of Engineers to expedite the review and approval process for the Dakota Access Pipeline—a project with potentially devastating environmental impacts on the Standing Rock Sioux Reservation. Moreover, Trump’s proposed budgets repeatedly federal funds that provide critical education and health services to Native American populations.

House Resolution (HR) 40 on reparations to Black people who face discrimination rooted in the U.S. history of slavery and systemic racism was introduced yet again on January 3, 2019.⁶⁷ However, despite the national outrage after the George Floyd death, there is a very slim likelihood that this bill will be enacted into law.

The U.S. Congress also failed to reauthorize the **Violence Against Women Act (VAWA)**. The law also supports the successful U-visa program, which helps immigrant women leave violent situations without fear of deportation. COVID-19 has led to a spike in domestic violence, this landmark legislation is more important than ever.⁶⁸

Anti-sharia legislation:

One of the most notable discriminatory legislation trends during the period under review that has affected Muslim minority has been fostered by the anti-sharia backlash in the U.S. during the past decade. The recent rise in anti-sharia legislation was a response to Donald Trump’s anti-Muslim rhetoric. 18 anti-sharia bills have already been enacted into law in eleven states, including Louisiana, Tennessee, Arizona, Kansas, and Oklahoma. Twenty-three bills have been introduced in 18 state legislatures. At least 20 sharia bills passed in 14 states as of October, 2017.⁶⁹ This proliferation of new bills brought the total number of such legislative efforts since 2010 to 217 in 43 states.⁷⁰

The anti-sharia movement has been largely fertilized by a number of right-wing foundations, think tanks, pundits, legal experts, and religious leaders, such as ACT for America, the organizer of anti-Muslim protests in more than two dozen cities in June 2017. More specifically, anti-sharia bills were all mostly inspired by the unwavering activism of one American attorney from Arizona, David Yureshalmi. Along with another litigator, Robert Muise, Yerushalmi is the co-founder of the American Freedom Law Center, a national nonprofit law firm whose stated mission is "to fight for *faith and freedom* by advancing and defending America's Judeo-Christian

⁶⁷ <https://www.govtrack.us/congress/bills/116/hr40>.

⁶⁸ VAWA has stalled largely due to disputes over a provision that would prohibit gun purchases by people who have been convicted of domestic violence against a partner they are not married to, and do not live or co-parent with.

⁶⁹ Unites States Islamophobia Database, HAAS Institute Berkley

⁷⁰ Elsadig Elsheikh, Basima Sisemore, Natalia Ramirez Lee, “Legalizing Othering: The United States of Islamophobia,” Research Report, September 2017, <https://belonging.berkeley.edu/global-justice/islamophobia>

heritage and moral foundation through litigation, education, and public policy programs.”⁷¹ Yerushalmi drafted the “American Laws for American Courts” (ALAC), with the aim of preventing courts in the U.S. from considering foreign and international law as a model for anti-sharia legislation.⁷² He then approached state legislatures warning them of the threat of sharia law and urging them to pass anti-sharia legislation modeled (sometimes verbatim) on ALAC.

The first anti-sharia law, “Save Our State Amendment”, was passed by the Oklahoma state legislature in 2010 with 70% approval.⁷³ According to this law, the courts, “*shall not consider international law or Sharia Law.*”⁷⁴ This law was defeated as unconstitutional because it specifically identified sharia as the object of the ban and, therefore, clearly discriminated among religions.⁷⁵ Since then, in an attempt to appear constitutional, explicit references to sharia have been removed in many anti-sharia laws. Instead, lawmakers use a different terminology, such as “any foreign law, legal code, or system”.⁷⁶

As argued by legal experts, the anti-Sharia legislation undermines the legal status of American Muslims. The American Bar Legislation (ABA) generally opposes anti-sharia legislation because it is “duplicative of safeguards that are already enshrined in federal and state law” and inconsistent with some of the core principles and ideals of American jurisprudence.

In the U.S., the laws of several religions function within the larger framework of secular jurisprudence. **The First Amendment of the U.S. Constitution** states that the government must protect itself from the imposition of any religion while at the same time protecting people’s rights to practice their own religion. In other words, Americans can follow their own sacred laws if and when the latter do not contradict the secular law (for example, the law that prohibits polygamy).

More specifically, anti-sharia laws violate **The Supremacy Clause, The Establishment Clause and The Free Exercise Clause**, as well as **The Contracts Clause** of the U.S. Constitution.⁷⁷

⁷¹ Numerous other groups, including the Anti-Defamation League and Center for American Progress, have criticized Yerushalmi’s anti-sharia activism and his overall racism (which he denies). Yureshalmi is also a general counsel at the conservative Center for Security Policy in Washington, D.C. Founded in the 1980s by a neoconservative David Gaffney (who was a Reagan-era acting Assistant Secretary of Defense), this institution has become, according to the Southern Poverty Law Center, “a conspiracy-oriented mouthpiece for the growing anti-Muslim movement in the U.S.” <https://www.splcenter.org/fighting-hate/extremist-files/group/center-security-policy>.

⁷² Aside from drafting ALAC, Yureshalmi has participated in litigation of numerous anti-Islamic, anti-immigrant and pro-deportation cases. His anti-Muslim sentiments intersept with his negative views of African Americans and are part of a generally racist worldview. He is one of the major anti-Muslim figures in the U.S.

⁷³ <https://www.sos.ok.gov/documents/questions/755.pdf>.

⁷⁴ Ibid.

⁷⁵ <https://www.splcenter.org/hatewatch/2013/08/19/federal-judge-strikes-down-oklahoma’s-anti-shariah-amendment>.

⁷⁶ For a full list of anti-sharia bills (both those that were enacted into law and those that did not) see <https://www.splcenter.org/data-projects/tracking-anti-muslim-legislation-across-us>.

⁷⁷ <https://constitutioncenter.org/interactive-constitution/interpretation/article-vi/clauses/31>;

<https://constitutioncenter.org/interactive-constitution/interpretation/amendment-i/interps/264>;

The Supremacy Clause establishes that the Constitution constitutes the “supreme Law of the Land” and therefore takes priority over state laws. **The Establishment Clause** and the accompanying **Free Exercise Clause** protect freedom of religion by preventing religious control over government at the same time as governmental control over religion by postulating that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”⁷⁸ and that “Congress shall make no law ... prohibiting the free exercise (of religion)”⁷⁹ **The Contracts Clause** guarantees limitations imposed on the states, which are aimed at protecting individuals and the federal government from intrusion by state governments.

Finally, **Title VII of the Civil Rights Act of 1964** on equal employment opportunity ensures that Americans of different faiths are provided with an accommodation for religious practices unless doing so would result in undue hardship.⁸⁰

As follows from above, anti-sharia legislation impedes upon the right to the freedom of belief and religious practice that is guaranteed by the U.S. Constitution. While many religious groups in the U.S. follow sacred laws and lifestyles and resort to religious courts (for example, the Roman Catholic Church has around 200 diocesan tribunals that handle a variety of cases, including marriage annulments;⁸¹ and, similarly, Orthodox Jews resort to rabbinical courts), the right of American Muslims to practice sharia in such areas as daily prayers, fasting during the month of Ramadan, marriage contracts, and rules for charity and investments has been seriously undermined through anti-sharia law.

Improvement of anti-Discrimination Legislation:

On a positive note, in June 2020, the U.S. Supreme Court in *Bostock v. Clayton County* recognized that federal laws prohibiting sex discrimination **in employment** also prohibit discrimination based on sexual orientation and gender identity.⁸² In areas other than employment, protections on the ground of sexual orientation and gender identity are still undefined.

Trump signed a very important criminal justice reform law, the **Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act (First Step Act)** in December 2018, which made changes to “tough on crime” laws that have increased the prison population in the U.S. by 700% since 1970. This law reforms federal prisons and sentencing laws and thus reduces recidivism and is primarily aimed at decreasing inmate population.⁸³ While Trump said that the next criminal justice priority for his administration would be a Second Step Act that would ease employment barriers for formerly incarcerated people, no such legislation has been proposed through Congress yet.

<https://constitutioncenter.org/interactive-constitution/interpretation/amendment-i/interps/265;>

[https://constitution.congress.gov/browse/essay/artI_S10_C1_5/.](https://constitution.congress.gov/browse/essay/artI_S10_C1_5/)

⁷⁸ [https://constitution.congress.gov/constitution/amendment-1/.](https://constitution.congress.gov/constitution/amendment-1/)

⁷⁹ [https://constitution.congress.gov/constitution/amendment-1/.](https://constitution.congress.gov/constitution/amendment-1/)

⁸⁰ <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-vii-civil-rights-act-of-1964.>

⁸¹ https://www.pewforum.org/2013/04/08/applying-gods-law-religious-courts-and-mediation-in-the-us/#_ftn1

⁸² [https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf.](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)

⁸³ [https://fas.org/sgp/crs/misc/R45558.pdf.](https://fas.org/sgp/crs/misc/R45558.pdf)

State and federal prisons in the United States hold over 2 million people, the highest number of any country in the world. Another 4.4 million people are held on probation or parole. General problems with the U.S. criminal legal system affect minorities at disproportionately higher levels. While black people make up 13% of the U.S. population, they are incarcerated at such higher levels than white people that they compose 33% of those incarcerated.⁸⁴ Latinos are jailed at a rate that is 1.4 times higher than the rate of whites.⁸⁵ According to the latest available data from the Bureau of Justice Statistics, in 2018, the imprisonment rate of black males was 5.8 times that of white males, while the imprisonment rate of black females was 1.8 times the rate of white females. Muslims are also over-represented in state prisons. They make up about 9% of state prisoners, though they are only about 1% of the U.S. population.⁸⁶

To be fair, the number of black prisoners was down by a third since 2006. These statistics, however, only count inmates sentenced to more than a year in state or federal prison. They exclude inmates held in local jails and those sentenced to shorter periods of imprisonment (Please see the graph below).⁸⁷

⁸⁴ According to the official data provided by the Bureau of Justice Statistics (BJS), the incarceration rate in 2019 was 419 individuals per 100,000 of U.S. population with the total number of prisoners 1,430,000; it was the lowest imprisonment rate in 24 years since 1995 (See <https://www.bjs.gov/content/pub/pdf/p19.pdf>). According to many NGOs, including Prison Policy Initiative, the BJS's data has been missing and delayed since 2017 (See <https://crimeandjusticeresearchalliance.org/wp-content/uploads/2019/11/DOJ-Missing-BJS-Reports-Letter-10-18-19-FINAL.pdf>). World Policy Initiative's numbers are far less rosy: 698 prisoners per 100,000 of U.S. population, with a total U.S. prison population in 2020 being 2.3 million (See <https://www.prisonpolicy.org/reports/pie2020.html>). According to the University of London's Institute for Criminal Policy Research's World Prison Brief, a database of prisons around the world, the U.S prison population was 2,094,000 – at a rate of 639 per 100,000 of total population - in 2018 (See <https://www.prisonstudies.org/country/united-states-america>).

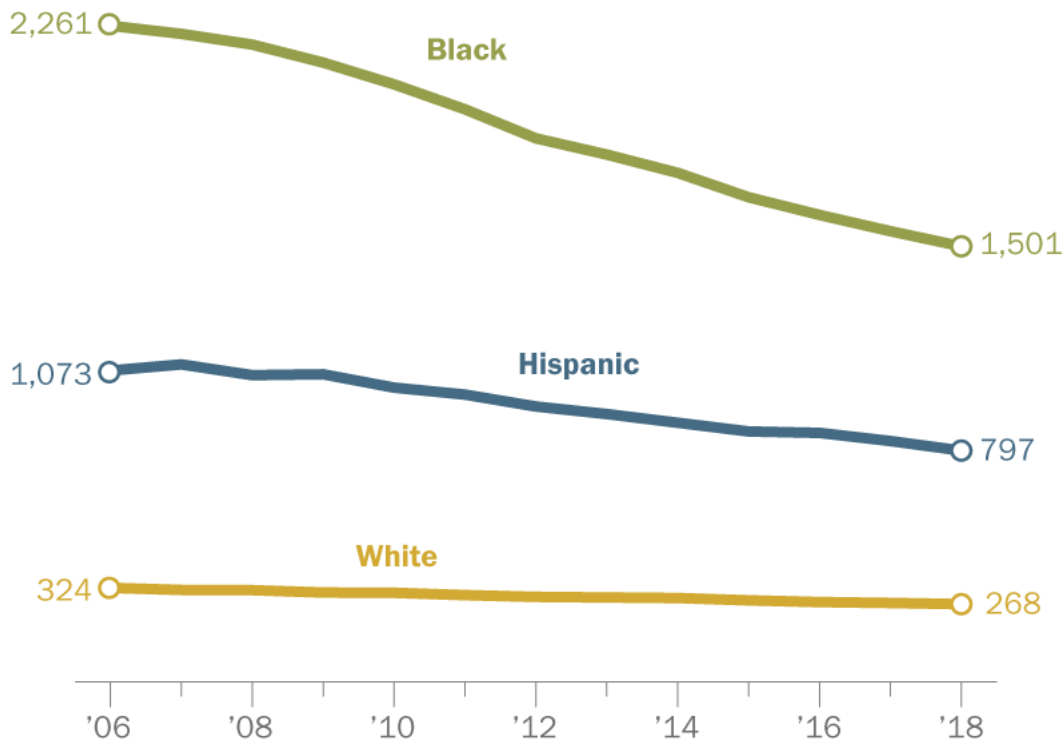
⁸⁵ https://www.bop.gov/about/statistics/statistics_inmate_ethnicity.jsp.

⁸⁶ https://muslimadvocates.org/wp-content/uploads/2019/07/FULFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-In-State-Prisons-for-distribution-7_23.pdf. Non-U.S. citizens made up a similar portion of the U.S. prison population (7.7%) as they did of the total U.S. population (6.9%, per the U.S. Census Bureau). <https://www.bjs.gov/content/pub/pdf/p18.pdf>.

⁸⁷ https://www.pewresearch.org/fact-tank/2020/05/06/share-of-black-white-hispanic-americans-in-prison-2018-vs-2006/ft_20-05-05_imprisonmentrates_1/

Imprisonment rates have declined across racial and ethnic groups – especially among black Americans

Prisoners per 100,000 adults ages 18 and older in each group



Notes: Blacks and whites include those who report being only one race and are non-Hispanic. Hispanics are of any race. Prisoners are those sentenced to more than a year in state or federal prison.

Source: Bureau of Justice Statistics.

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Congress passed the **Fair Chance to Compete for Jobs Act of 2019 (Fair Chance Act)** as an amendment to the **National Defense Authorization Act**, which was enacted on December 17, 2019. This federal “**ban-the-box**” law prohibits federal agencies and federal contractors from asking about a job applicant’s criminal history until after a conditional offer of employment has been made. The Fair Chance Act will go into effect two years from the date of enactment. The measure provides exceptions for three types of positions, including: (1) positions related to law

⁸⁸ <https://www.pewresearch.org/fact-tank/2020/05/06/share-of-black-white-hispanic-americans-in-prison-2018-vs-2006/>.

enforcement and national security duties; (2) positions requiring access to classified information; and (3) positions for which it is required by law to access criminal history information before the conditional offer stage.

Several of the administration's attempts to undermine asylum have successfully been challenged and stopped in the courts, including: the "zero tolerance" policy; the stripping asylum seekers of their right to an immigration court custody hearing; arbitrary detention of asylum seekers even after they pass a "credible fear" interview and are awaiting a hearing on their asylum claim (a federal court ordered that each case should be reviewed for conditional & release eligibility; the transit asylum ban prevents migrants from applying for asylum if they traveled through another country before reaching the U.S. if they didn't apply in the previous country. A federal judge has blocked the ban completely citing that the administration failed to comply with the Administrative Procedure Act. The government is expected to appeal the court's decision.

Legislation Aimed at Combatting Hate Crimes:

The U.S. federal law on hate crimes bans crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. Federal hate crime laws and statutes are:⁸⁹

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249 is a historic civil rights legislation codified as 18 U.S.C. § 249. It gave the FBI the freedom to investigate hate crimes without the barriers that were included in 18 U.S.C. § 245 (**Federally Protected Activities**), which only covered hate crimes committed while the victim is engaging in a federally protected activity, like voting or going to school.

More specifically, it allows federal criminal prosecution of hate crimes motivated by the victim's actual or perceived sexual orientation or gender identity. This statute makes it "a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of the victim's actual or perceived race, color, religion, or national origin." The Act also covers crimes committed because of the actual or perceived religion, national origin, sexual orientation, gender, gender identity, or disability of any person, if the crime affected interstate or foreign commerce or occurred within federal special maritime or territorial jurisdiction.

This Act expanded the 1969 federal hate-crime law and eased the earlier restrictions and included protections for the individuals based on *sexual orientation*, *gender identity*, and *disability* and gives legal protection to transgender individuals. It gave the FBI more freedom to investigate hate crimes motivated by bias against a person's sexual orientation, gender, gender identity, or disability, in addition to the classes of people protected under the earlier law. It also provided more funding and technical assistance to state and local jurisdictions.

⁸⁹ These laws include: <https://www.justice.gov/hatecrimes/laws-and-policies>

The Act has been used very seldomly since its enactment in 2009 (namely, in 56 prosecutions).⁹⁰ During the Trump Administration, the number of federal prosecutions under this statute was rare. Thus, only 6 prosecutions were reported for 2017 and another 6 for 2018.

Criminal Interference with Right to Fair Housing, 42 U.S.C. no. 3631 makes it a crime to use or threaten to use force to interfere with housing rights because of the victim's race, color, religion, sex, disability, familial status, or national origin.⁹¹

Damage to Religious Property, Church Arson Prevention Act, 18 U.S.C. no. 247 prohibits the intentional defacement, damage, or destruction of religious real property because of the religious nature of the property, where the crime affects interstate or foreign commerce, or because of the race, color, or ethnic characteristics of the people associated with the property and criminalizes the intentional obstruction by force, or threat of force of any person in the enjoyment of that person's free exercise of religious beliefs.⁹²

Violent Interference with Federally Protected Rights, 18 U.S.C. no. 245 makes it a crime to use or threaten to use force to willfully interfere with a person's participation in a federally protected activity because of race, color, religion, or national origin. Federally protected activities include public education, employment, jury service, travel, or the enjoyment of public accommodations. Under this Act, it is also a crime to use or threaten to use force against those who are assisting and supporting others in participating in these federally protected activities.⁹³

Conspiracy Against Rights, 18 U.S.C. no. 241 makes it unlawful for two or more persons to conspire to injure, threaten, or intimidate a person in any state, territory, or district in the free exercise or enjoyment of any right or privilege secured to the individual by the U.S. Constitution or the laws of the U.S.⁹⁴

Some states do not have such laws at the state level. Thus, 47 states and the District of Columbia have statutes criminalizing various types of bias-motivated violence or intimidation, while Arkansas, South Carolina, and Wyoming do not have such statutes. Georgia's hate crime statute was struck down by the Georgia Supreme Court in 2004.⁹⁵ It nevertheless passed a new hate crime law in June 2020.⁹⁶ Each of these statutes covers bias on the basis of race, religion, and ethnicity; 34 of the statutes cover disability; 34 cover sexual orientation; 30 cover gender; 22 cover transgender/gender-identity; 14 cover age; 6 cover political affiliation, and 3 along with Washington, D.C. cover homelessness. 34 states and the District of Columbia have statutes

⁹⁰ <https://race-and-social-justice-review.law.miami.edu/wp-content/uploads/2020/08/Ten-Years-Fighting-Hate.pdf>.

⁹¹ <https://www.justice.gov/crt/criminal-interference-right-fair-housing>.

⁹² <https://www.justice.gov/crt/damage-religious-property>.

⁹³ <https://www.justice.gov/crt/hate-crime-laws>.

⁹⁴ Ibid.

⁹⁵ <https://www.washingtonpost.com/wp-dyn/articles/A62848-2004Oct25.html>

⁹⁶ <http://www.legis.ga.gov/legislation/en-US/Display/20192020/SB/166>

creating a civil cause of action, in addition to the criminal penalty, for similar acts. 30 states and the District of Columbia have statutes requiring the state to collect hate crime statistics; 20 of these cover sexual orientation. 32 states plus the District of Columbia have statutes that specifically cover gender. 18 states have hate crime laws regarding gender identity. 3 states and the District of Columbia cover homelessness.⁹⁷

While the federal government will take on some of the hate crime cases, it doesn't have the resources to enforce its law against all hate crimes nationwide, so a gap in state laws means some hate crimes will go unpunished.

2. Law enforcement practices affecting minorities

Law enforcement in the United States disproportionately targets members of Black, Latinx, and Indigenous minorities. This leads to higher levels of arrests, violence and killings by police, as well as convictions in these communities. The ensuing arrests, convictions and criminal records prevent members of targeted communities from accessing jobs, housing, education, public assistance and the right to vote.

With regards to **police**, the following cases provide a mere snapshot of how racial profiling, despite legal efforts against it, is still widespread during arrests:

- On April 12, 2018, two African American men in a Starbucks Coffee shop in Philadelphia waited for a business associate to arrive for a meeting. The men asked to use the bathroom but were refused permission because they had not purchased anything. When the men still did not buy anything as they waited, the manager asked them to leave. When they did not, the manager called police, who arrested, handcuffed, and charged the men. They were later released and charges were dropped, and the men reached a civil settlement with the city.⁹⁸
- On April 29, 2018, a white woman called the police in Oakland, California, because she observed a black family group in a public park getting ready to have a barbeque with (she said) the wrong type of grill. The incident took place in a “designated barbeque zone” in the well-used park in which barbequing is a regular activity. Police responded, detaining and questioning the family for an hour. They made no arrests.⁹⁹
- In May 2018, as four people—three of them black—checked out of an Airbnb rental in Rialto, California, and loaded their luggage in a car, preparing to leave, seven police cars swarmed the area and stopped them. A police sergeant approached, ordered them to put their hands in the air, and told them they were also being tracked by a police helicopter. The police had a report by a (white) neighbor that she did not recognize them, and they might have burglarizing the house. The guests showed the sergeant their paperwork (he

⁹⁷ <https://www.naacp.org/wp-content/uploads/2017/09/Hate-Crimes-laws-by-state.pdf>.

⁹⁸ Scott Neuman, *Men Arrested in Philadelphia Starbucks Reach Settlements*, Nat'l Pub. Radio (May 3, 2018).

⁹⁹ Carla Herreria, *Woman Calls Police on a Black Family for BBQing at a Lake in Oakland*, Huff. Post (May 11, 2018).

said he did not know what Airbnb was) and contacted the owner of the property to confirm they were guests. The guests were held for 45 minutes before being released.¹⁰⁰

- On May 8, 2018, a black graduate student at Yale University decided to take a nap in her dorm's common area during a long night writing a paper. A white graduate student entered the room, flipped on the lights, and told the black student she had no right to sleep there; she then called the campus police. When police responded, the black graduate student had to spend almost an hour with the police to prove that she had a right to be present.¹⁰¹
- On August 23, 2020, Jacob S. Blake, a 29-year-old African American man, was shot and seriously injured by police officer Rusten Sheskey in Kenosha, Wisconsin. Sheskey shot at Blake's back seven times when Blake opened the driver's door to his car. Three of Blake's sons were in the backseat at the time. Earlier during the encounter, Blake had been tasered and had scuffled with officers.

Profiling by proxy represents a new development in racial profiling during which racial and ethnic minorities suffer increased police attention while not engaged in criminal behavior. This is often at the behest of white civilians.

As a result of the George Floyd death in May, 2020 and the country-wide protests that followed, U.S. President Donald J. Trump signed an executive order on “**Safe Policing for Safe Communities**.”¹⁰² It is hoped the order will lead to comprehensive police reforms that will make the eligibility of the police for federal grants dependent on a rigorous process that will involve training regarding use of force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement. It is hoped that an information sharing database that will track information related to use of excessive force, including such information as the termination or decertification of law enforcement officers, criminal convictions of law enforcement officers, and instances in which an officer under investigation related to the use of force resigns or retires, will also come into being. Additionally, it is hoped that these reforms will include strategies to incorporate social workers and mental health professionals when responding to certain situations.

With regards to **prisons**, it is important to note that Islam is the fastest growing religion in U.S. prisons, where the population is 18 percent Muslim (compared to 1 percent in the general population); 80 percent of all prison-based religious conversions are to Islam. Black Muslim organizations, such as The Nation of Islam and Moorish Science Temple of America, began prison outreach efforts in the 1940s. The most famous convert, Malcolm X, took interest in the Black Muslim movement while incarcerated. Between October 2017 and January 2019,

¹⁰⁰ (Three Black People Checked out of Their Airbnb Rental. Then Someone Called the Police on Them, CNN (May 10, 2018).

¹⁰¹ Elliot Hannon, *A Black Graduate Student at Yale Says a White Student Called Police on Her for Napping in a Common Room During an All-Nighter*, Slate (May 9, 2018).

¹⁰² <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>.

there were also 163 lawsuits in which Muslims alleged their right to practice while in prison was being violated, which indicates that many state prisons are preventing incarcerated Muslims from practicing their faith.¹⁰³

The treatment of Muslims varies across state prisons. In 17 states, state prisons specifically allow religious head coverings. More and more states are fully accommodating Muslim dietary requirements (halal-certified meals). But there are states that still make access to alternative meals difficult or impossible. In Nevada, for example, to get a meat-substitute diet a prisoner has to pass a diet accommodation interview. In North Dakota, there is a “60-day sincerity test” for anyone who changes religions and has a new religious dietary requirement as part of the practice.

Notwithstanding these grievances from Muslim prisoners, their religious practice in U.S. prisons are legally protected by the *Religious Land Use and Institutionalized Persons Act*, passed by the U.S. Congress in 2000. That law states the government cannot impede a prisoner's free exercise of religion without a compelling reason. For the most part, state prisons respect federal law that protects religious practice for prisoners. And when prisoners sue over violations of religious practice, it is difficult for the state to win.

3. The attitude of society towards immigrants, foreigners, various ethnic and religious groups

According to the Institute for Social Policy and Understanding Islamophobia Index for 2019, Muslims are the most likely group to report experiencing religious discrimination in the U.S. (62%). Muslim women report higher levels of discrimination (68%) than men (55%). By comparison, 43% of Jews report religious discrimination, while 36% of white Evangelicals report experiencing it. Forty-one percent of Muslim women experience gender discrimination from within their community, the highest of any group examined. However, the misogyny they suffer from the public at large is still greater, at 52%. Muslim women are also more likely to report gender discrimination from the public than are any other group of women surveyed (36% or less).¹⁰⁴

During 2018-2019, attitudes towards immigrants have sharply split along political party lines. Thus, Democratic Party supporters viewed immigrants as a strength to the U.S. (83%) and just 11% said immigrants represent a burden. On the other hand, only 38% of Republicans and Republican-leaning independents said immigrants strengthen the country, while 49% (almost half) say they burden it.¹⁰⁵ Attitudes also vary towards legal and illegal immigrants. Thus, in

¹⁰³https://muslimadvocates.org/wp-content/uploads/2019/07/FULFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-In-State-Prisons-for-distribution-7_23.pdf.

¹⁰⁴ Institute for Social Policy and Understanding, “American Muslim Poll 2019: Predicting and Preventing Islamophobia”, <https://www.ispu.org/american-muslim-poll-2019-predicting-and-preventing-islamophobia/>.

¹⁰⁵<https://www.pewresearch.org/fact-tank/2019/01/31/majority-of-americans-continue-to-say-immigrants-strengthen-the-u-s/>.

2018, 38% of the 2000 Americans who were polled said legal immigration into the United States should be kept at its present level, while 32% said it should be increased; 24% of the people who were polled said that legal immigration should be decreased.¹⁰⁶ A majority of Democrats (84%) say they are sympathetic toward immigrants who are in the U.S. illegally, while only 48% of Republicans share this positive attitude.¹⁰⁷ Interestingly, the majority of Americans (69%) feel more sympathetic towards illegal, than legal, immigrants.

In 2019, a majority of Americans (61%) supported same-sex marriage, while 31% opposed it.¹⁰⁸ The same year, 72% of Americans said they accept homosexuality in general.¹⁰⁹

In 2018, polls showed that Latinos indicated higher levels of concern about their place in the U.S. Among immigrant (foreign-born) Latinos, 57% said they were concerned, while 42% of U.S. - born Latinos said they were concerned.¹¹⁰ 57% of Hispanic Democrats that year also said that the situation of Hispanics in the U.S. has worsened in the past year, up from 12% who said the same in 2013. At the same time, only 28% of Hispanic Republicans expressed their concern over the worsening situation, up only moderately from 18% in 2013.¹¹¹

According to a 2017 poll, 54% of Native Americans living on tribal lands or other majority-Native areas said they experienced racial or ethnic discrimination by the police and when applying for jobs. Three out of ten Native Americans said they had been personally discriminated against because they are Native.¹¹²

In 2010, a *Time* magazine poll revealed that 62% of Americans had never met a Muslim (polls indicate that if you do know a Muslim, you are less likely to harbor anti-Muslim feelings). Authors of a 2015 opinion poll study reviewed 127 opinion polls over a 22- year period and found that most Americans during those two decades were not familiar with Islam and that many Americans viewed the religion negatively (more “violent” as compared to other religions) and that, since 2001, 25% or more of the U.S. population expressed support for specific measures that singled out Muslims for special treatment like religious profiling, special IDs, surveillance, and internment.¹¹³

While Europe faces a far greater problem with radical Islamism than the U.S., according to the 2019 poll, the majority of people in both the 15 countries of Western Europe and in the U.S. display the same levels of tolerance towards Muslims (and say that they would be willing to

¹⁰⁶ <https://www.pewresearch.org/politics/2018/06/28/shifting-public-views-on-legal-immigration-into-the-u-s/>.

¹⁰⁷ Ibid.

¹⁰⁸ <https://www.pewforum.org/fact-sheet/changing-attitudes-on-gay-marriage/>.

¹⁰⁹ https://www.pewresearch.org/global/wp-content/uploads/sites/2/2020/06/PG_2020.06.25_Global-Views-Homosexuality_FINAL.pdf.

¹¹⁰ <https://www.pewresearch.org/hispanic/2018/10/25/latinos-have-become-more-pessimistic-about-their-place-in-america/>.

¹¹¹ Ibid.

¹¹² <https://www.npr.org/2017/11/14/563306555/poll-native-americans-see-far-more-discrimination-in-areas-where-they-are-a-majo>.

¹¹³ “The Super Survey: Two Decades of Americans’ Views on Islam and Muslims”, Georgetown University’s Bridge Initiative, April 2015, <https://bridge.georgetown.edu/research/the-super-survey-two-decades-of-americans-views-on-islam-muslims/>.

accept Muslims as their neighbors, though they would be less willing to accept a Muslim as a family member).¹¹⁴

At the beginning of the Trump presidency, a growing majority of the public said in 2017 that Muslims in the U.S. face a lot of discrimination, while roughly half of U.S. adults say media coverage of Muslims is unfair.¹¹⁵ In 2014, by comparison, Americans had warmer feelings towards Muslims: the Pew Research Center “feeling thermometer”, which ranges from 0 to 100 (with 0 degree indicating the coldest, most negative feelings), found that Americans gave Muslims a thermometer rating of 48 degrees (as opposed to 40 degrees in three years earlier).¹¹⁶

These public perceptions of Muslims in the U.S. do not correlate with the level of the radicalization of American Muslims as well integrated members of American society who reject terrorism and extremism. According to that report, only 7% of American Muslims aged 18-29 felt positively about al-Qaeda; in all other age groups only 6% felt that way. Eighty percent of young American Muslims opposed suicide bombing according to that poll.¹¹⁷

According to a 2017 poll, U.S. public opinion was still mixed on whether Islam is part of mainstream American society and if Islam is compatible with democracy (half of the public believes that Islam is not part of the mainstream American culture and society according to polls).¹¹⁸ To be sure, at the end of Trump’s first year as U.S. President, nearly half (49%) of Americans said Islam is not more likely than other religions to encourage violence among its followers, while 41% said it is more likely to encourage violence.

Public opinion of Muslims remains divided along partisan ideological lines (with Republicans holding less positive views towards Muslims than Democrats).

American media is also polarized compared to the political establishment. While there is a lot of negative portrayal of Islam from right-wing commentators, leftwing and mainstream media focuses on Islamophobia and presents Islam in a defensive manner. At the same time, anti-Muslim sentiments have risen.¹¹⁹ Leftwing media, such as the *New York Times*, has been criticized for being a public relations arm of radical Islam. Indeed, the liberal cultural elite’s attitude towards Islam has been remarkably positive. In one example, Ian Buruma, who was initially critical of radical Islam, apparently shifted in his *Murder in Amsterdam*, which was published in the US in 2006, in which he criticized the advocates of free speech, Theo van Gogh

¹¹⁴<https://www.pewresearch.org/fact-tank/2019/10/08/in-the-u-s-and-western-europe-people-say-they-accept-muslims-but-opinions-are-divided-on-islam/>.

¹¹⁵ a large – and growing – majority of the public says that Muslims in the United States face a lot of discrimination, while roughly half of U.S. adults say media coverage of Muslims is unfair.

¹¹⁶<https://www.pewresearch.org/fact-tank/2019/10/08/in-the-u-s-and-western-europe-people-say-they-accept-muslims-but-opinions-are-divided-on-islam/>.

¹¹⁷<https://www.pewresearch.org/fact-tank/2019/10/08/in-the-u-s-and-western-europe-people-say-they-accept-muslims-but-opinions-are-divided-on-islam/>.

¹¹⁸ <https://www.pewforum.org/2017/07/26/how-the-u-s-general-public-views-muslims-and-islam/>

¹¹⁹Moustafa Bayoumi, *This Muslim American Life: Dispatches from the War on Terror*, New York: New York University Press, 2015; Laila Lalami, *Conditional Citizens*, New York: Pantheon Books, 2020.

and Pim Fortuyn, while taking an unapologetic stance against Ayaan Hirsi Ali. To the contrary, right-wing commentators see Muslim Brotherhood as an extremist vanguard in the U.S.

In the U.S., Islamophobia is driven not by grass-roots activists or street-based groups but by the institutionalized anti-Islamic movement, which includes such organizations as the Center for American Progress and, to a certain degree, the Middle East Forum (whose president is Richard Pipes' son, Daniel Pipes). Over the course of the past years, Islamophobia has become part of the Republican Party's mainstream discourse.

Prior to announcing his presidential ambitions, Trump was known for his racist, anti-Muslim views, which became central to his 2015 presidential campaign. Thus, Mr. Trump told CNN's Anderson Cooper, "I think Islam hates us," articulating a belief that has become popular within the Republican party. In the aftermath of the San Bernardino shootings, Mr. Trump called for "a total and complete shutdown of Muslims entering the U.S." Although Mr. Trump does not condone white supremacy publicly, he remained silent when members of a largely far-right extremist movement were charged by federal authorities with a series of violent crimes during recent marches for racial justice, which included the killing of law enforcement officers and a plot to bomb federal facilities and attack marchers.² Mr. Trump has overwhelmingly preferred to focus on the Antifa movement, despite the fact that the movement is not suspected of violence nearly as much as far-right extremists are. Mr. Trump has threatened to formally designate Antifa, a decentralized movement, as a terrorist group.

The discourse on immigration is similarly polarized. There is a contradiction between a U.S. that is known as a country of immigrants and a U.S. in which a xenophobic sentiments are expressed by a significant part of the population.¹²⁰ For example, New York Mayor Rudi Giuliani claimed that Democratic presidential nominee Hillary Clinton supported "open borders" that would admit Syrian refugees posing as "operatives who are terrorists" who were "going to come to Western Europe and here [to the U.S.] and kill us". U.S. Senator Jeff Sessions from Alabama falsely claimed that 350,000 people succeeded in "crossing our borders illegally each year." These statements were false and contradicted the facts (of the decline in illegal immigration).

Yet at the same time, Americans are increasingly sensitized to systemic racism in the country. The George Floyd death triggered protests against police brutality, police racism and lack of police accountability and called for restructuring of the police force. According U.S. Crisis Monitor data gathered by ACLED, nearly 11,000 demonstration, political violence, and events were recorded across the United States since the end of May 2020, following George Floyd's death.¹²¹

¹²⁰ Erika Lee, *America For Americans: A History of Xenophobia in the United States*. Basic Books, 2019.

¹²¹https://acleddata.com/acleddatanew/wp-content/uploads/2020/08/ACLED_US-Crisis-Monitor-Summer-2020_Overview.pdf. With supplemental data collection extending coverage back to the week of George Floyd's killing, the dataset is now expanded to encompass the latest phase of the Black Lives Matter movement, growing unrest related to the COVID-19 pandemic, and violent political polarization in the months prior to the November election.

In a way, the fight for Muslim rights has, to a certain degree, intersected with the Black Lives Matter movement. Both groups (African Americans and American Muslims; including black Muslims, who compose one third of the American Muslim population), fight against institutional racism and systemic violence inflicted on black bodies.

3. Activities of radical groups. Right-wing radical groups and parties

As a result of the decline of right-wing extremism in the late 1990s¹²² and the terrorist attacks of 9/11, extremism and radicalization experts in the U.S. have disproportionately shifted their attention away from the right-wing and towards Islamic extremism from around 2008. During the decade that followed, the U.S. experienced a resurgence in violence from right-wing extremism.

This trend has not abated. Rather, it reached its peak during over the past several years, during which far-right perpetrators were responsible for 98% of all extremist murders in the country in 2018.¹²³ The year 2019 was the sixth deadliest year on record for domestic extremist-related killings since 1970, with 42 extremist-related murders. The year 2018 also saw a record-high number of hate groups (1,020) form, which included a sharp increase (43%) of anti-LGBT hate groups. Although this number slightly decreased (to 940), due to the collapse of two neo-Nazi factions¹²⁴ during the following year, the activity of these groups, including hate crimes, increased.

Racially- and ethnically-motivated violent extremists “were the primary source of ideologically-motivated lethal incidents and violence in 2019, and have been considered the most lethal since 2001.”¹²⁵ According to the October 2020 study by the U.S. Department of Homeland Security, it “will remain the most persistent and lethal threat” to the U.S.”¹²⁶

This latest new wave¹²⁷ of right-wing extremism stems from the longest (and deadliest) extremist trend in the U.S..¹²⁸ and can be explained by the interplay of several developments. While some of these developments account for the global rise in right-wing extremism, others are particular to the U.S. context. Of these, the most important is a long tradition of immigration, nativism, and

¹²²“Then and Now: Right-Wing Extremism in 1995 and 2015), Anti-Defamation League Report, 2015.

¹²³ The Anti-Defamation League Center on Extremism (2019) Murder and extremism in the United States in 2018. <https://bit.ly/2VLY5If>; <https://foreignpolicy.com/2017/08/14/fbi-and-dhs-warned-of-growing-threat-from-white-supremacists-months-ago/>.

¹²⁴ https://www.splcenter.org/sites/default/files/intelligence_report_167.pdf.

¹²⁵ <https://www.voanews.com/usa/2019-deadliest-year-domestic-terrorism-says-fbi-director>

¹²⁶ https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf. P 18.

¹²⁷ Previous instances of heightened right-wing extremism was related to the three waves of Ku Klux Klan activity during post-Civil War Reconstruction (1866-1871); during the interwar period of the early 1920s; and during the Civil Right era (mid 1950s-1960s); these were followed, after the KKK’s decline in the 1970s, by the activities of the American Nazi and Populist Parties in the 1980s and of the Christian identity groups through the mid-1990s .

¹²⁸ Piazza JA (2017) The determinants of domestic right-wing terrorism in the USA: economic grievance, societal change and political resentment. *Confl Manag Peace Sci* 34(1):52–80; Simi P, Bubolz BF (2017) Far right terrorism in the United States. In: *The handbook of the criminology of terrorism*, Wiley, Hoboken. pp 297–309.

xenophobia (manifested in the perception of a loss of white identity), easy access to firearms,¹²⁹ an increasing development of and reliance on social media platforms,¹³⁰ as well as decreasing socioeconomic mobility and inequality and the election, in 2008, of the first African-American president and the subsequent election of President Donald J. Trump in 2016.¹³¹ Lastly, the rise of distrust in established institutions and polarization and partisan divides (whereby Republicans and Democrats have moved further away from the political center and display increasingly negative attitudes towards the other party, thus contributing to the overall polarization of the political landscape and discourse), have continued to grow since the 1990s, as shown by surveys and opinion polls.¹³²

Despite ideological disagreements and at times juxtaposing beliefs and mutually exclusive belief systems that characterize right-wing extremist groups and leaders mentioned below, these factors meet at the nexus of wanting a future that favors white identity. Among other recurring guiding ideologies are anti-immigrant xenophobia (including Islamophobia), racism, anti-LGBT sentiment, and anti-Semitism.

A significant amount (nearly a quarter) of right-wing extremist groups are based in California, Texas, and Florida.¹³³ Of the 940 listed hate groups in 2019, nearly a third (391) are white supremacists.¹³⁴ There are other groups (174), not included in this number, which adhere to a

¹²⁹ The U.S. is the only G8 country that ranks in the top 20 countries for gun deaths, <https://www.wired.com/story/guns-in-america-five-charts/>. On the correlation between gun ownership and latest mass shootings, see Lin PI, Fei L, Barzman D, Hossain M (2018) What have we learned from the time trend of mass shootings in the U.S.? PLoS ONE 13(10):1–13; Reeping PM, Cerdá M, Kalesan B, Wiebe DJ, Galea S, Branas CC (2019) State gun laws, gun ownership, and mass shootings in the US: cross sectional time series. BMJ 364:1542.

¹³⁰ <https://www.isdglobal.org/wp-content/uploads/2019/07/The-Great-Replacement-The-Violent-Consequences-of-Mainstreamed-Extremism-by-ISD>; and Winter A (2019) Online hate: from the far-right to the ‘alt-right’ and from the margins to the mainstream. In: Online Othering. Springer, Cham, pp 39–63.

¹³¹ While in the past, proponents of the psychological approach see mental illness behind extremists’ violent actions, more contemporary research show that perpetrators of extremist acts are, more often than not, “normal” (in a psychological sense). See Misiak B, Samochowicz J, Bhui K, Schouler-Ocak M, Demunter H, Kuey L, Raballo A, Gorwood P, Frydecka D, Dom G (2019) A systematic review on the relationship between mental health, radicalization and mass violence. Eur Psychiatry 56:51–59; Post JM (2015) Terrorism and right-wing extremism: the changing face of terrorism and political violence in the 21st century: the virtual community of hatred. Int J Group Psychoth 65(2):242–271; and Post JM (2015) Terrorism and right-wing extremism: the changing face of terrorism and political violence in the 21st century: the virtual community of hatred. Int J Group Psychoth 65(2):242–271. For a multivariable approach to explaining extremist violence, see a classic on the subject, Martha Crenshaw, Explaining Terrorism: Causes, Processes and Consequences. New York: Routledge, 2011. Another approach focuses on the role of group dynamics within peer groups, including those in prisons and gangs, that transform personal grievances into extremist violence. Other researchers go as far as seeing far-right radicalization as a public health emergency comparable to a contagion process, and apply epidemiological methods to its study. See <https://www.nature.com/articles/s41599-020-00546-3>.

¹³² Thus, in October 2020, eight out of ten Democratic and Republican voters said that their differences with the other party voters were about “core American values” and nine out of ten of them worried that a victory by the other party candidate would lead to “lasting harm” to their country. See <https://www.pewresearch.org/fact-tank/2020/11/13/america-is-exceptional-in-the-nature-of-its-political-divide/>. See also PEW Research Center, “Partisanship and Political Animosity,” <https://www.pewresearch.org/politics/2017/10/05/8-partisan-animosity-personal-politics-views-of-trump/>.

¹³³ “The Year in Hate and Extremism 2019,” Southern Poverty Law Center, March 18, 2020.

¹³⁴ Ibid.

single issue (such as anti-LGBT, or anti-Muslim mandates). There were also 20 anti-immigrant groups across the country. Five hundred seventy-six groups supported anti-government extremist views, with 181 engaging in military-style training, which renders such groups to be considered “militia”.¹³⁵ It is worth noting that during the Obama presidency, the number of anti-government extremist groups was significantly higher (1360).¹³⁶ This is explained by the fact that a significant number of right-wing extremist groups support Trump administration policies and use his presidency to regroup, recruit more members, and prepare for future attacks.¹³⁷

The right-wing extremist movement could be catalogued along the spectre of its supporters’ views on race. While on the most extreme side of this spectrum are such openly neo-Nazi groups as Atomwaffen Division, whose members openly advocate for white supremacy and racial purity and believe in the purifying power of a race war and extreme violence, other groups and individuals, namely representatives of the alt-right movement (including pundits such as Milo Yiannopolous), try to avoid the racist label by talking about “culture” instead of “race” and thus are on the opposite side of the spectrum.

Among the most prominent white nationalist groups are:

1) **violent** groups, which propagate the coming of race war, and embrace white ethno-nationalism and/or National Socialism/neo-Nazism. These groups engage in trainings of heavily armed militia, and perpetrated murders, planned terrorist attacks and other criminal acts. Members of these groups are open about their belief in the superiority of the white race. Groups that fall under this category include: **The Base**, **National Socialist Movement (NSM)**, **Hammerskin Nation**, **Nationalist Social Club**, and the **Nationalist Socialist Order (NSO)**, which is the latest permutation (as of July 2020) of the **Atomwaffen Division (AWD)**.

The Atomwaffen Division (AWD) was co-founded in 2015 by Devon Arthurs and a former U.S. Marine, Brandon Russell, in the American South as a neo-Nazi terrorist network.¹³⁸ The group is considered by some researchers to be a part of the alt-right movement but its members reject that designation, claiming the group, which is linked to five murders and is listed as a hate group by the Southern Poverty Law Center,¹³⁹ does not fit into this category based on extremism. It reportedly had 80 members in 20 cells around the U.S. and has spread to the United Kingdom, Canada, Germany, the Baltic states and other countries in Europe. It draws its inspiration from Charles Manson’s cult beliefs and James Mason’s neo-Nazi ideas and anti-Semitic, anti-LGBT, and apocalyptic thought.¹⁴⁰

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ “White Supremacy Groups in the United States,” Counter Extremism Project, p. 10.

¹³⁹ “Active Hate Groups”. Southern Poverty Law Center. Archived from the original on June 23, 2019. Retrieved June 16, 2019.

¹⁴⁰ https://cisac.fsi.stanford.edu/mappingmilitants/profiles/atomwaffen-division#text_block_23243

It aims to create a Nationalist Socialist government and propagate ideas of a “total Aryan victory” through a violent “white revolution” and “race war.”¹⁴¹ AWD members organized training sessions involving firearms. An active-duty Marine and an AWD cell leader Vasillios Pistolis attacked counter-protesters at the United the Right rally in Charlottesville, Virginia in August 2017.¹⁴² Police also suspected several AWD members in several murders that took place in 2017-2018. These include the stabbing in January 2018 of a 20-year old University of Pennsylvania student Blaze Bernstein in California, allegedly, for being gay;¹⁴³ and the December 22, 2017 murder, by a 17-year-old member of AWD Nicholas Giampa, of his girlfriend’s parents in Reston, Virginia, because they encouraged their daughter to break up with Giampa because of his extremist views; and the confession, by AWD co-founder Arthurs that he killed two of his roommates. His other roommate and AWD co-founder, Russell, was stockpiling explosives when Arthurs killed his roommates to prevent an AWD terror attack.

Sonnenkrieg Division and **Feuerkrieg Division**, which were considered to be British branches of AWD, were banned in February and July 2020, respectively.

The AWD was disbanded in March 2020 after several of its members, including its former leader John Cameron Denton, were arrested by the FBI on harassment charges that included anti-Semitic and racist threats to journalists and false dispatches to the SWAT team. In September 2020, two of the AWD members who were arrested pleaded guilty to federal conspiracy charges. Due to the lack of legislation that would prosecute right-wing extremists as terrorists, there was an attempt, in March 2020, to designate AWD as a foreign terrorist organization. Under this pressure, the AWD disbanded but later reorganized into the Nationalist Socialist Order in July 2020. The NSO official program echoed that of the AWD in its dedication to Adolf Hitler and outright rejection of the current world order and a desire to overthrow “Jewish-controlled” governments around the world (although it claims to be a U.S.-based organization). In September 2020, NSO adherents covered various business fronts in Colorado by swastika stickers that included a recruitment email address. Two AWD members also attempted to create local chapters of AWD in Ukraine (and attempted to join a Ukrainian military in order to receive training), where they were arrested and later deported in October, 2020 (despite the fact that AWD was dissolved by Mason earlier that year).¹⁴⁴

The Base (whose name is derived from the translation of al-Qaeda) is another violent neo-Nazi anarchist network founded in June 2018 by Norman Spear/Roman Wolf (both of whose names are pseudonyms; the real persons behind this network is believed to be Rinaldo Nazzaro, a U.S.-born intelligence, security, and military contractor who has claimed to be a veteran of wars in

¹⁴¹ <https://www.nytimes.com/2018/02/12/us/what-is-atomwaffen.html>; Mathias, Christopher (January 31, 2018). "1 Neo-Nazi Group. 5 Murders In 8 Months". HuffPost. Archived from the original on March 26, 2019. Retrieved February 15, 2018; "Report: Suspect in Penn Student's Murder Has Neo-Nazi Ties". Philadelphia. January 29, 2018. Archived from the original on June 19, 2019. Retrieved February 15, 2018

¹⁴² “He’s a proud neo-Nazi, Charlottesville attacker – and a U.S. Marine, YouTube video, 3:02, posted May 3, 2018, by ProPublica. Cited in “White Supremacy Groups in the United States,” Counter Extremism Project, p. 10. Pistolis was martialled, jailed, and discharged after his identity was publicly revealed.

¹⁴³ <https://www.phillymag.com/news/2018/01/29/suspect-penn-student-murder-neo-nazi-ties/>

¹⁴⁴ <https://www.buzzfeednews.com/article/christopherm51/ukraine-deports-american-neo-nazi-atomwaffen-division>.

Iraq and Afghanistan, currently living in Russia and suspected of being a Russian agent¹⁴⁵). The Base focuses on training its members (in camps around the U.S.) for fighting a race war. It seeks to recruit current and former members of the armed forces. As opposed to AWD/NSO, it is an international network with cells in the U.S., Canada, Europe, South Africa and Australia. It distributes manuals for lone-wolf attacks, bomb-making, counter-surveillance, and guerilla warfare. In November 2019, the FBI charged one of its members (Richard Tobin) with orchestrating vandalism of synagogues in Michigan and Wisconsin two months earlier.¹⁴⁶ In December 2019, two Base members attempted to intimidate anti-far right podcast host Daniel Harper in Dexter, Michigan. They were arrested in October 2020 by the FBI. In January 2020, Maryland authorities arrested three Base members for stockpiling weapons and training for an assault on a pro-Second Amendment rally in Virginia that month. The same month, two more Base members were arrested for plotting to murder a couple affiliated with the far-left Antifa movement in Georgia.

Hammerskin Nation is the largest and most organized skinhead network in the U.S.¹⁴⁷ It was launched in 1988 (out of a skinhead punk music scene; the group continues to organize annual Hammerfest white power music concerts; with the latest concerts taking place in California in October 2018 and in Europe in November 2019) and has cells around the world.¹⁴⁸ Over the years, Hammerskins plotted, implemented, and were arrested and charged with various violent crimes including murder, assault, arson, vandalism, harassment, and other hate crimes. It is comparatively harder to become a Hammerskin member: the vetting and initiation process takes years.

As a response to the rise of the alt-right, some openly racist groups and leaders tried to appear more mainstream by abandoning their use of the swastika¹⁴⁹ and tried to renounce violence and rely on demonstrations and propaganda instead.

On the opposite side of the spectrum are representatives of the **non-violent alt-right** who promote and exercise their racism under the guise of white ethno-nationalism and focus on the idea of difference between races (rather than superiority of the white race) and call for a separation of races. These groups include the **League of the South** and **Identity Evropa** (which was replaced, in March 2019, by the **American Identity Movement [AIM]**). These and analogous “milder” proponents of right-wing radicalism foster fears about minorities and immigrants and the dangers that the latter represent for white culture and identity.

Alt-right groups and pundits represent a new generation of white supremacists and build on the tradition of earlier identarian groups which tried to intellectualize xenophobia and disassociate it from violence while appealing to younger, more educated contingents, many of them college

¹⁴⁵<https://nymag.com/intelligencer/2020/03/rinaldo-nazzaro-the-base-norman-spear.html>;
<https://www.bbc.com/news/world-51236915>.

¹⁴⁶<https://www.inquirer.com/news/richard-tobin-synagogue-vandalism-the-base-white-supremacist-racine-wisconsin-hancock-michigan-20191115.html>; <https://www.vice.com/en/article/pa75jk/man-arrested-for-synagogue-vandalism-was-active-in-two-militant-neo-nazi-groups>.

¹⁴⁷ <https://www.adl.org/education/resources/profiles/hammerskin-nation>.

¹⁴⁸ <https://www.propublica.org/article/white-hate-group-campaign-of-menace-rise-above-movement>

¹⁴⁹ In 2016, then NSM leader Jeff Schoep.

students (hence their recruitment work on college campuses). Their main goal is meta-politics which would propel white ethno-nationalist discourse into the mainstream. For example, such slogans as Identity Evropa's "You will not replace us" is an attack on minorities and immigrants. These groups reject violence but embrace the same identarian idea of "Great Replacement" as their extremist, neo-Nazi, counterparts. They attempt to brand themselves as the "dissident right" that is critical of the Republican Party for its inability to defend the white majority and caving into identity politics that call for a respect for minorities.

Right-wing blogs such as **American Renaissance** (edited by Jared Taylor) serve as online media outlets and collect money through the New Century Foundation. In a major development, Twitter, YouTube, Facebook, and Amazon suspended American Renaissance's accounts in July 2020. However, the company's content remains available on other accounts such as Parler, Telegram, BitChute, and Gab. American Renaissance also organizes conferences, such as in 2017, which drew 300 participants, including Richard Spences and Nathan Damigo (from Identity Evropa) as well as 2018 and 2019. In the aftermath of the Black Lives Matter protests during the summer of 2020, American Renaissance published pieces supporting the police and white identity, which have come under attack by proponents of the Left's "wokeness". It is estimated that the New Century Foundation, alongside several other white supremacist non-profits, was able to raise over \$8 million (tax-exempt) over the course of ten years.¹⁵⁰

Identity Evropa was created in 2016 in Leesburg, Virginia, by a former Marine, Nathan Damigo, who was convicted of armed robbery after returning from Iraq. Damigo radicalized while in prison (where he read works by David Duke and Richard Spencer). The group was disbanded and regrouped as **American Identity Movement (AIM)** in 2019, after an inaugural conference in Nashville, Tennessee, and a protest rally at the Nashville State Capitol which drew 100 people. It was rebranded by Casey as a "dissident membership organization"¹⁵¹

Eli Mosley, who became the leader of Identity Evropa in August 2017, was one of the main organizers of the Unite the Right rally in Charlottesville. He was replaced by Patrick Casey (Reinhard Wolff) who sought to distance from the association with the Unite the Right rally.

Despite its pacifist rhetoric, the AIM was involved in several violent altercations, including during the April 15, 2017 anti-Trump rally in Berkeley, California and on August 7, 2017 rally in Portland, Oregon. During the Berkeley incident, Damigo was filmed punching a protester in the face and students at California State University where a student signed a petition stating they do not feel safe with Damigo on campus.

Identity Evropa (IE) used fake antifa Twitter accounts (which were later suspended by Twitter) in its promotion of hate. To be sure, IE incited violence following Floyd's death in May 2020 and the ensuing BLM. The AIM, which disbanded last month, denied these allegations.¹⁵²

¹⁵⁰ <https://apnews.com/article/ae1c8163ac574bb3bd1f3facfa5fb8.3>

¹⁵¹ <https://atlantaantifa.org/tag/nashville-tn/>.

¹⁵² <https://www.reuters.com/article/uk-factcheck-antifa-twitter-fake/fact-check-antifa-twitter-account-that-called-for-violence-was-fake-idUSKBN23B2TY>.

IE focused on non-violent propaganda and was primarily interested in recruiting adepts on university campuses. The subsequent AIM also tried to brand itself as a lawful and peaceful (non-extremist, non-violent) patriotic organization interested in “the preservation of America’s historical demographics in the face of mass immigration”. After the Unite the Right rally turned violent and caused three deaths,¹⁵³ the alt-right movement has largely ended.

Both the neo-Nazi and alt-right groups mentioned above have targeted youth for recruitment through social media and the Internet, as well as by meeting and organizing through online fora,¹⁵⁴ as well as on college campuses, including through youth wings and student memberships.

Where violence was not caused by members of hate groups, it came from the hands of “**lone wolf**,” or solo extremists, some of who were inspired by the ideas of these groups.¹⁵⁵ An increasing number of acts of violence in the U.S. are committed by lone-wolves who were in contact with other radicals and extremists.¹⁵⁶

There were 30 active shooter incidents in 2017 and 27 in 2018.¹⁵⁷ A member of the alt-right community, John Earnest, opened fire into a California synagogue in April 2019, killing one and injuring several others. In August 2019, Patrick Crusius killed 22 people and wounded 24 after opening fire with a semi-automatic firearm in an El Paso, Texas, Walmart. As follows from his unpublished manifesto, his actions were a response to the “Hispanic invasion of Texas.”

The League of the South identifies itself as a “neo-Confederate” group with a base in Killen, Alabama, that calls for a second Southern secession. Its leader, Michael Hill, claimed in August 2019 that the U.S. is in the early stages of “war for white survival.” John Kershaw, an attorney who challenged the official account of the assassination of Reverend Martin Luther King, was another co-founder of the group.¹⁵⁸ The League is characterized by its violent anti-Semitism. It promotes international editions of its propaganda, including in the Russian, Hungarian, and Chinese languages.¹⁵⁹

The National Socialist Movement (NSM) is identified by the Southern Poverty Law Center as the largest neo-Nazi group in the U.S. with 61 local chapters and additional chapters abroad. The NSM presents itself as America’s premier white civil rights organization. While it officially rejects violence, it declared its intention to defend itself. To that end, on October 23, 2017, a

¹⁵³ <https://www.pbs.org/newshour/nation/state-emergency-charlottesville-va-fights-erupt-white-nationalist-rally>

¹⁵⁴ For example, the leaders of the AWD operated through an online forum Iron March which is now defunct. The oldest online neo-Nazi forum, Stormfront, was removed by its Internet host in August 2017 but reappeared after a few months. Such other forums as the Daily Forums moved their operations to the Dark Web that is only accessible through encrypted software.

¹⁵⁵ (where violence was not caused by members of hate groups, it came from the hands of “lone wolves,” or solo extremists inspired by the ideas of these groups):

¹⁵⁶ Bart Schuurman et al., “Lone Actor Terrorist Attack Planning and Preparation: A Data-Driven Analysis,” in *Journal of Forensic Sciences*, 63, no. 4, July 2018.

¹⁵⁷ <https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-incidents-graphics>

¹⁵⁸ <https://www.nytimes.com/2010/09/24/us/24kershaw.html>.

¹⁵⁹ <https://www.splcenter.org/hatewatch/2018/07/23/comrade-hill-league-south-reaching-out-russia;>
[https://www.splcenter.org/fighting-hate/extremist-files/group/league-south.](https://www.splcenter.org/fighting-hate/extremist-files/group/league-south)

NSM member tried to instigate armed violence on an Amtrak train travelling through Nebraska. The member reportedly tried to join ISIL the previous year. He pled guilty and was sentenced to 14 years in prison in 2018.¹⁶⁰

In 2016, NSM created a national far-right alliance (the Aryan Nationalist Alliance), which included the Traditionalist Worker Party and the League of the South (the ANA was rebranded as the Nationalist Front in 2017. As of today, the coalition's future is in doubt (TWP collapsed in March 2018 and the League of the South has since left the Front). Interestingly, the black activist James Stern replaced Jeff Schoep as the NSM leader in February 2019. While Stern died of cancer half a year later, Schoep became an anti-extremism consultant and speaker, leaving the future of NSM in limbo.

The Nationalist Social Club was founded in December 2019 in Massachusetts and has cells around the world. The group trains for physical combat and uses stockpiled firearms for use in future confrontations. In July 2020, several NSC members were arrested for disorderly conduct in Rogersville, Tennessee, for attempting to antagonize protesters at a BLM rally.¹⁶¹

Rise Above Movement was founded in 2017 by Ron Rundo and Ben Daley first as an athletics, martial arts and boxing club. It is based in Southern California and travelled to Europe in 2018 to participate in martial tournaments organized by neo-Nazis in Germany and Ukraine. Like other alt-right groups, RAM was founded by Robert Rundo with the goal of transcending online fora and engaging in physical training by reviving the "warrior spirit". It engaged in violence in the two rallies in California and in the United the Right rally in Charlottesville (after which the RAM co-founder and three other group members were charged with conspiracy to riot and pled guilty). The group was thereafter considered defunct. In June 2019, a federal judge dropped charges against Rundo and two other RAM members in a separate case involving violent rioting, a victory that invigorated RAM.¹⁶²

The Traditionalist Workers Party emerged in 2015 as the political arm of the Traditionalist Youth Network, which was created in 2013 in Indiana by Matthew Parrott and his son-in-law Matthew Heimbach. According to the Southern Poverty Law Center, Heimbach is the most notable member to watch among white supremacists. The TWP endorsed KKK leader David Duke and was branded as the first party for "working families". In March 2018, Heimbach was arrested for physical assault against his father-in-law and wife, this casting the TWP in disarray.¹⁶³

Vanguard America is another neo-Nazi group that was founded in 2014 in New Mexico and has chapters across the U.S. The leader of VA is another Marine Corp veteran. It operates primarily online through a website that was suspended in 2017 (hence the later redirection to a

¹⁶⁰<https://www.newsweek.com/armed-neo-nazis-amtrak-rampage-nebraska-meant-save-train-black-people-1021856>.

¹⁶¹<https://www.splcenter.org/hatewatch/2020/07/15/ex-league-south-member-arrested-black-lives-matter-rally-tennessee>.

¹⁶² <https://www.pbs.org/wgbh/frontline/article/federal-judge-dismisses-charges-against-3-white-supremacists/>.

¹⁶³ <https://www.splcenter.org/hatewatch/2018/03/13/twp-chief-matthew-heimbach-arrested-battery-after-affair-top-spokesmans-wife>.

new website, Patriot Front). The group posted propaganda fliers across U.S. college campuses in 2016-2017. The group participated in the 2017 United the Right Rally. Alex Fields, the man who drove his car into a crowd of counter-protesters, was photographed wearing VA's uniform during that rally (the VA denied that Fields was the movement's member), and condemned the use of violence, while claiming to be a political movement.¹⁶⁴

While not classified as a right-wing movement, the **patriot movement** (also defined as an **antigovernment movement**) falls under this category because it unites a cohort of non-unified conservative and nationalist movements, which include far-right armed militias that harbor racist, xenophobic, extremist, anti-Semitic, anti-Islam, and anti-immigrant sentiment.

After its emergence in the 1990s (in response to gun control legislation during the presidency of Bill Clinton, the movement reached its peak during the Obama presidency), the antigovernment movement lost its *raison d'être* since it was not on the same side with the government.¹⁶⁵ The movement reactivated its zeal in aftermath of Floyd's death and BLM protests and in anticipation of the 2020 presidential election.

These groups' ideology can be generally described as that of anti-government conspiracy theories (which include the end of times eschatology; surveillance suspicions; QAnon and 9/11 conspiracy theories; a New World Order and a United Nations takeover); as well as a belief in Americans' right of gun ownership and willingness to use military force and support paramilitary militia movement.

The Summer of 2020 was characterized by the surge in the activity of militia groups which ranged from intervention in Black Lives Matter protests to kidnappings of elected officials. According to the Armed Conflict Location and Event Data Project (ACLED), U.S. militias (as compared to militias around the world) are "latent" (their threats of violence exceed the actual violent acts by them).¹⁶⁶ ACLED tracked over 80 militias across the U.S. in recent months, the majority of them right-wing armed groups.¹⁶⁷

During the protests, riots, and civil unrest, and an eventual state of emergency (which involved the National Guard) that followed the police killing Jacob Blake in Kenosha, Wisconsin, in August, 2020, and around the U.S. as part of the larger BLM movement and ongoing responses to high-profile killings by police officers in 2020, armed militia members arrived and two protesters were fatally shot and a third was injured by Kyle Rittenhouse, a 17-year-old who was then charged with first-degree intentional homicide and other charges.

One of the most striking incidents perpetrated by a paramilitary group in the recent months leading to the November 2020 election was a plot to kidnap, in October 2020, Gretchen

¹⁶⁴<https://www.nbcnews.com/news/crime-courts/james-alex-fields-found-guilty-killing-heather-heyer-during-violent-n945186>.

¹⁶⁵ <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment>.

¹⁶⁶ "Standing By; Right-Wing Militia Groups & the U.S. Elections," ACLED, October 2020.

¹⁶⁷ Ibid.

Whitmer, the Governor of Michigan, and to violently overthrow the government. Fourteen suspects who were tied to a militia group Wolverine Watchmen were arrested.¹⁶⁸

Polling of U.S. active **duty troops** has found growing extremism in their ranks, with several recent high-profile violent incidents linked to current or former service members. There have been a number of recent high-profile incidents involving far-right extremists where the accused are service members or veterans. The FBI has previously found that white supremacists have targeted members of the military for recruitment. A survey conducted by the publication *Military Times* found more than one-third of active duty service members and more than half of minority service members say they have witnessed examples of white nationalism or ideological-driven racism in the military.¹⁶⁹

The following anti-government groups are worth mentioning:

The Three Percenters/Percenterism is one of three core components within the antigovernment militia movement, along with the Oath Keepers and traditional militia groups. The reference to 3 percent stems from the dubious historical claim that only 3 percent of American colonists fought against the British during the War of Independence.¹⁷⁰

The Oath Keepers, another core component of the militia movement, was founded in 2009 by Elmer Stewart Rhodes, a veteran army paratrooper, Yale Law School graduate and former Ron Paul congressional staffer. It primarily recruits current and former law enforcement, military and first-responder personnel, though it also accepts civilians. Unlike Three Percenterism, the Oath Keepers was conceived as an organization with hierarchical leadership at national, state and local levels, which is committed to establishing a network of activists in the hope that it lays the groundwork for the creation of state militias.¹⁷¹ The movement is pro-Trump and, according to the investigation by *The Atlantic*, has been able to recruit, in the anticipation of the 2020 presidential election, thousands of veterans, as well as active police officers and soldiers, in anticipation of a civil war.¹⁷²

On June 3, 2020 federal authorities arrested three people, allegedly associates with the “boogaloo” movement, for conspiring to cause violence in Las Vegas and possessing an improvised incendiary device. **Boogaloo** is a loosely organized rightwing extremist organization that propagates the second Civil War, is heavily pro-gun and against federal government.¹⁷³ Researchers disagree on whether Boogaloo is a unified movement or a collection of individuals who all propagate divergent views. Thus, some boogaloo adherents are against racism and white

¹⁶⁸<https://www.reuters.com/article/us-michigan-whitmer/five-suspects-in-michigan-governor-kidnap-plot-held-without-bail-await-jury-trial-idUSKBN2712S5>.

¹⁶⁹<https://www.militarytimes.com/news/pentagon-congress/2020/02/06/signs-of-white-supremacy-extremism-up-again-in-poll-of-active-duty-troops/>.

¹⁷⁰<https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment>.

¹⁷¹ Ibid.

¹⁷² <https://www.theatlantic.com/magazine/archive/2020/11/right-wing-militias-civil-war/616473/>

¹⁷³<https://www.theatlantic.com/technology/archive/2020/07/american-boogaloo-meme-or-terrorist-movement/613843/>; <https://www.adl.org/boogaloo>.

supremacy and even participate in the anti-lockdown and BLM protests. The one issue that seems to unite its members is their Hawaiian shirts and the fact that they are heavily armed. The Bogaloo movement goes back to 2019 but gained attention in 2019. Since 2019, 31boogaloo adherents were charged with various crimes. The Boogaloo ideology seeks to encourage a second Civil War. The boogaloo movement has emerged as a violent anti-government ideology whose adherents have been accused of recently plotting to commit acts of domestic terrorism, and in at least one instance allegedly committed an act of targeted violence in a late May shooting of two U.S. government officials. This ill-defined and dynamic threat has little cohesive organization or central ideology outside of a broad, anti-government accelerationist agenda of provoking societal collapse and civil war through acts of violence.

There is no single process that leads an individual from first embracing radical beliefs to joining a radical group and to committing an act, or acts, of violence or terrorism. Reasons for radicalization range from the individual, emotional and psychological to the social (the influence of friends, family, education and church), economic, and political. Economic and political exclusion may stem from limited opportunities and a rejection of growing diversity, as well as the increasing banalization of violence.

In a particular case of right-wing extremism in the U.S., while there is no single profile of a lone-wolf terrorist,¹⁷⁴ there are some contributing factors and reasons which lead to right-wing radicalization among white Americans: the loss of manufacturing jobs which were outsourced overseas;¹⁷⁵ the opioid epidemic in the U.S.;¹⁷⁶ the changing demographics whereby the U.S. will become a minority majority country by the 2040s and the resulting concerns over immigration; the proliferation of social media tools that provide an outlet for voicing concerns;¹⁷⁷ and globalization and rising income inequality¹⁷⁸ that have rendered social mobility

¹⁷⁴ Bouhana, Noémie, et al. "Background and Preparatory Behaviours of Right-Wing Extremist Lone Actors: A Comparative Study." *Perspectives on Terrorism*, vol. 12, no. 6, 2018, pp. 150–163. *JSTOR*, www.jstor.org/stable/26544649; see also oel A. Capellan (2015) Lone Wolf Terrorist or Deranged Shooter? A Study of Ideological Active Shooter Events in the United States, 1970–2014, *Studies in Conflict & Terrorism*, 38:6, 395-413.

¹⁷⁵ For this argument, see Blazak, R (2001) White boys to terrorist men. *American Behavioral Scientist* 44(6): 982–1000. According to some numbers, 7.5 million manufacturing jobs were lost in the U.S. since 1980. See Kerwin Kofi Charles, Erik Hurst and Mariel Schwartz, "The Transformation of Manufacturing and the Decline in U.S. Employment", National Bureau of Economic Research, March, 2018, <https://www.nber.org/papers/w24468>.

¹⁷⁶ According to the Center for Disease Control, reported deaths from drug overdose in the U.S. in 2019 reached an all-time high of nearly 72,000. Opioids were the cause of death in two thirds of the total deaths. See <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>.

¹⁷⁷ Winter A (2019) Online hate: from the far-right to the 'alt-right' and from the margins to the mainstream. In: *Online Othering*. Springer, Cham, pp 39–63; Aly A, Macdonald S, Jarvis L, TM Chen (2017) Introduction to the special issue: terrorist online propaganda and radicalization. *Stud Confl Terror* 40(1):1–9; Bertram L (2016) Terrorism, the Internet, and the Social Media Advantage: Exploring how terrorist organizations exploit aspects of the internet, social media and how these same platforms could be used to counter-violent extremism. *J Deradical* 7:225–252; Dean G, Bell P, Newman J (2012) The dark side of social media: review of online terrorism. *Pak J Criminol* 3(3):107–126; Lowe D (2019) The Christchurch terrorist attack, the far-right, and social media: what can we Learn? *The New Jurist* (4)

and economic prosperity ever harder to achieve. In the view of right-wing radicals, anti-discrimination, pro-diversity and affirmative action laws and policies help the advancement of minorities while leaving the white majority at a disadvantage in the face of the abovementioned socioeconomic threats. Other – personal, rather than political and socioeconomic – grievances such as a lack of purpose, compromised mental health (although most experts agree that psychopathology does not constitute the primary driving factor of radicalization),¹⁷⁹ loneliness and the desire to join a community also contribute to radicalization. Radicalization of a given individual with aforementioned grievances by extremist groups also plays an important role.¹⁸⁰ Yet while many white Americans experience the above-mentioned grievances, very few of them become radicalized and commit acts of violence.

4. Activities of radical groups. Islamists

In comparison to Europe, the U.S. has done a better job at integrating immigrants in general and Muslims in particular. American Muslims are a success story, a well-integrated community that is not faced with the same discrimination and assimilation challenges as its European counterparts. The increasing number of Islamist-friendly politicians who have been elected for offices, including, in 2018, Rashida Tlaib and Ilhan Omar, who were elected to Congress with support from both Islamist and progressivist movements. Another Islamist activist, Ibrahim Samirah (who is the son of Muslim-Brotherhood operative Sabri Samirah) was elected to state office.

Violent Islamism:

Violent acts and killings in the U.S. by Muslim extremists are a rare appearance, as compared to other types of homicide. However, they still represent a serious threat.

¹⁷⁸ Income inequality in the U.S. has been rising since the 1980, and is the highest of all the G7 nations, according to data from the Organization for Economic Cooperation and Development. See <https://www.oecd.org/social/OECD2016-Income-Inequality-Update.pdf>; see also https://www.pewsocialtrends.org/2020/01/09/trends-in-income-and-wealth-inequality/psdt_01-10-20_economic-inequality_1-6/

¹⁷⁹ DeFoster R, Swalve N (2018) Guns, culture or mental health? framing mass shootings as a public health crisis. *Health Commun* 33(10):1211–1222; Misiak B, Samochowiec J, Bhui K, Schouler-Ocak M, Demunter H, Kuey L, Raballo A, Gorwood P, Frydecka D, Dom G (2019) A systematic review on the relationship between mental health, radicalization and mass violence. *Eur Psychiatry* 56:51–59; Misiak B, Samochowiec J, Bhui K, Schouler-Ocak M, Demunter H, Kuey L, Raballo A, Gorwood P, Frydecka D, Dom G (2019) A systematic review on the relationship between mental health, radicalization and mass violence. *Eur Psychiatry* 56:51–59; Post JM (2015) Terrorism and right-wing extremism: the changing face of terrorism and political violence in the 21st century: the virtual community of hatred. *Int J Group Psychoth* 65(2):242–271; Webber D, Kruglanski AW (2017) Psychological factors in radicalization: a “3 N” approach. In: *The handbook of the criminology of terrorism*. Wiley, Hoboken, pp 33–46.

¹⁸⁰ Becker MH (2019) When extremists become violent: examining the association between social control, social learning, and engagement in violent extremism. *Stud Confl Terror*. <https://doi.org/10.1080/1057610X.2019.1626093>; Mills CE, Freilich JD, Chermak SM, Holt TJ, LaFree G (2019) Social learning and social control in the off- and online pathways to hate crime and terrorist violence. *Stud Confl Terror*. <https://doi.org/10.1080/1057610X.2019.1585628>.

During the period under review, the most significant attack took place on October 31, 2017, when Sayfullo Saipov, an immigrant from Uzbekistan and an ISIL supporter, drove a rented pickup truck into cyclists and runners on the Hudson River's Park's bike path in New York City before crushing the truck into a school bus, killing eight people (six of them foreign tourists) and injuring eleven others.¹⁸¹

Data show that in 2018 there was a decrease in the number of individuals inspired by Salafi Jihadism, with only 18 cases (there were 28 cases in 2017 and 66 in 2016).¹⁸² There was at the same time a relative uptick in Islamic extremist activity between 2018 and 2019.

According to the Triangle Center on Terrorism and Homeland Security, Muslim-American extremists have caused a total of 141 deaths in the 18 years since Sept. 11, 2001, out of more than 290,000 murders that were committed during that period. In 2019, 254 lives were lost in mass shootings, none of those by Muslim-American extremists.¹⁸³ To be sure, there were no deaths as a result of actions by Muslim-American extremists in 2019. There were 30 arrests that year (which is relatively low as compared to the peak of 88 arrests or attacks in 2015, but higher than the number of arrests in 2018). Of these, nine were linked to terror plots targeting pedestrian walkways on the Maryland National Harbor, a white supremacist rally in California, the Israeli consulate in New York City, other tourist attractions in the broader New York area, a Pittsburgh church, and college campuses in Florida. The remaining 21 arrests were primarily linked to charges of providing material support to foreign terror organizations, in addition to a few outlying charges such as knowingly providing false information to law enforcement and illegally receiving firearms with obliterated serial numbers.¹⁸⁴

The decrease in successfully implemented plots by domestic Islamists is partially explained by the fact that the law enforcement has gotten better at identifying subjects, which, in itself is partially due to an increase in undercover monitoring of social media as of 2015.¹⁸⁵

The 2019 terror plot targets highlight extremists' sustained focus on targeting religious institutions, and antisemitism is a key motivation. Of the nine individuals arrested for plotting terror attacks linked to domestic Islamist extremism, seven (78 percent) were U.S. citizens—a statistic that emphasizes the homegrown nature of the Islamist extremist threat in the U.S. While ISIL has been effectively disbanded and no longer holds territory in Iraq and Syria, its violent

¹⁸¹ Saipov's lawyer said that Saipov would plead guilty to all counts and serve life in prison if the death penalty option was not available. His trial was rescheduled for April 2020 but did not take place due to the pandemic. He is still in jail in New York.

¹⁸² "Profiles of Individual Radicalization in the United States (PIRUS)", May 14, 2020, National Consortium for the Study of Terrorism and Responses to Terrorism. <https://start.umd.edu/data-tools/profiles-individual-radicalization-united-states-pirus>

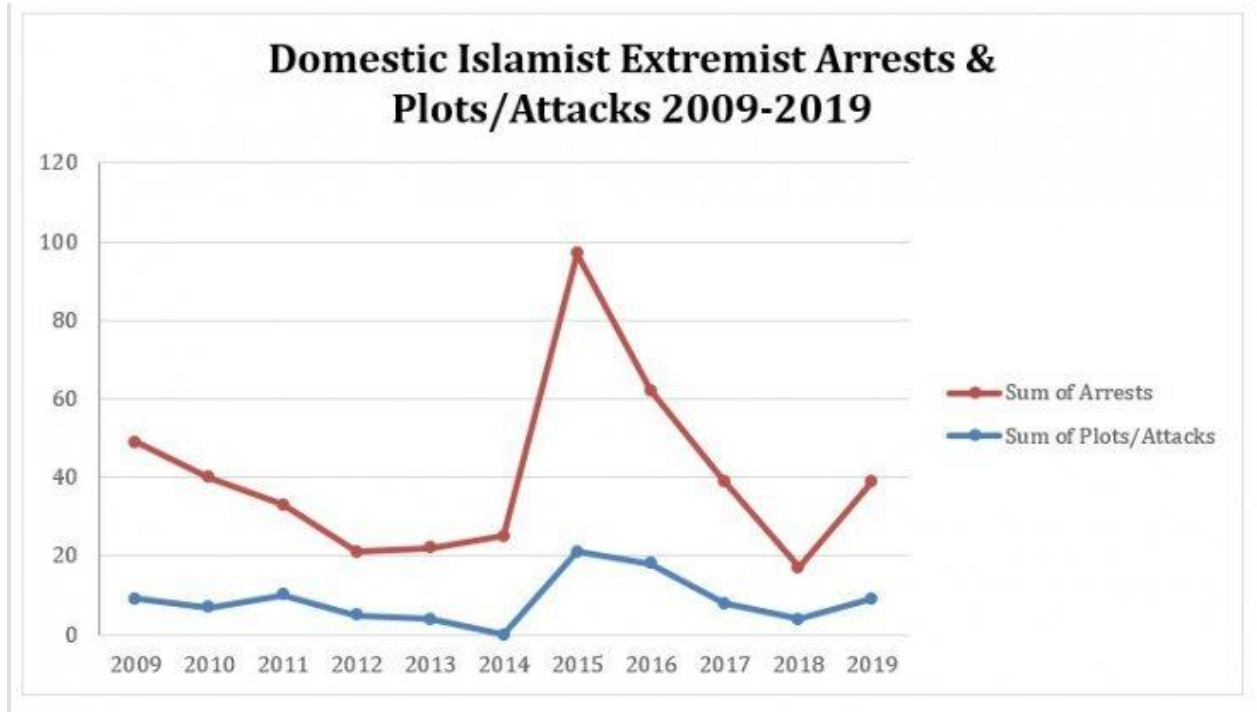
¹⁸³ The full report is available at <https://sites.duke.edu/tcths>. The data on which the report is based can be accessed at <http://kurzman.unc.edu/muslim-american-terrorism/annual-report>.

¹⁸⁴ <https://www.adl.org/blog/domestic-islamist-extremism-2019>

¹⁸⁵ <https://www.brennancenter.org/our-work/research-reports/social-media-monitoring>.

rhetoric and propaganda continue to inspire the majority of terror plots and criminal activity linked to domestic Islamist extremism.¹⁸⁶

On May 21, 2020, a motorist crashed through a northern perimeter gate of Naval Air Station Corpus Christi in Texas, activating vehicle barriers that stopped the car. The driver got out and opened fire before he was killed. A Navy police officer was shot but protected by a vest. Adam Alsalhi, a Corpus Christi resident born in Syria, expressed support for ISIL and Al-Qaeda.



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In terms of the profiles of radical Islamists and their individual radicalization in the U.S. START data show that during the period of 1970-2018, the average age at public exposure is 29; 6.7% of the exposed were female; 42.9% had no college degree; 26.2% had low socioeconomic status; 8.4% had military experience; 33.3% had criminal history; 91% were radicalized online; and 15% were mentally ill.¹⁸⁸

There is no understanding on how radical Islamists are radicalized in the U.S., as there is no “typical profile” and experiences and motivations are widely varied. Foreign Terrorist

¹⁸⁶ <https://www.adl.org/blog/domestic-islamist-extremism-2019>.

¹⁸⁷ <https://www.adl.org/blog/domestic-islamist-extremism-2019>.

¹⁸⁸ “Profiles of Individual Radicalization in the United States (PIRUS)”, Study of Terrorism and Responses to Terrorism, Research Brief, <https://start.umd.edu/data-tools/profiles-individual-radicalization-united-states-pirus>.

Organizations (FTOs) are interested in recruiting Muslim Americans because the latter understand the U.S. The following organizations have been designated as FTOs by the Secretary of State and have been known to recruit Muslims in the U.S.:

- **The Islamic State of Iraq and the Levant (ISIL)** had, until its demise in 2017, more success than al-Qaeda in recruiting on U.S. soil, including U.S.-born citizens;¹⁸⁹
- **Al-Ashtar Brigades (AAB)**, a Shiite militant group in Bahrain, was designated an FTO in July 2018;
- **Jama'at Nusrat al-Islam wal-Muslimin (JNIM)**, is a militant jihadist organization in the Maghreb and West Africa (primarily in Niger, Burkina Faso and Mali, where it is an official al-Qaeda branch); it was designated in September 2018;
- **As'ib Ahlal-Haq (AAH)**, an Iraqi Shi'a political party and paramilitary group, was designated in January 2020;
- **Islamic revolutionary Guard Corps (IRGC)**, which is a branch of the Iranian armed forces, was designated in April 2019 with the aim to put pressure on Iran;
- **Hizbul Mujahideen**, a separatist pro-Pakistani militant group in Kashmir (designated in October 2017);
- **Abu Nidal Organization (ANO), or Fatah**, was delisted as an FTO in 2017.

While such other Islamist organizations as **al-Shahaab** and **The Muslim Brotherhood** are not designated on the Department of State's list of terrorist organizations, the latter, for example, sponsors many Muslim-American organizations through which it mobilizes and recruits Muslims in the U.S.

Jihadist terrorist groups have not been successful in recruiting in Muslim communities in the U.S. There has not been a single successful deadly attack inside the U.S. by a foreign terrorist organization since September, 11, 2001. This is mostly due to the robust counter-terrorism efforts implemented by the U.S. government.¹⁹⁰ While the attacks by foreign terrorist groups have been rendered difficult if not impossible since 9/11, there is still a threat from homegrown jihadism. Of those representing the homegrown jihadist threat, "lone wolf" attacks pose a bigger danger: not only are their attacks deadlier, they are also more difficult to prevent and the perpetrators evade arrest longer.¹⁹¹ Thus, while, as follows from the data provided by the National Consortium for the Study of Terrorism and Responses to Terrorism (START), as of 2015, lone wolves accounted for 6% of all terrorists in the U.S. (They were, however,

¹⁸⁹ Heather T. Williams, Nathan Chandler, Eric Robinson, "Trends in the Draw of Americans to Foreign Terrorist Organizations," Rand Corporation, 2018. https://www.rand.org/pubs/research_reports/RR2545.html

¹⁹⁰ During the period from 2002 to 2017, the U.S. spent \$2.8 trillion on counterterrorism initiatives, thus making the U.S. hard to attack by for a foreign terrorist organization. <https://www.newamerica.org/international-security/reports/terrorism-america-18-years-after-911/what-is-the-threat-to-the-united-states/>

¹⁹¹ Brian J. Phillips (2017) Deadlier in the U.S.? On Lone Wolves, Terrorist Groups, and Attack Lethality, *Terrorism and Political Violence*, 29:3, 533-549, <https://www.tandfonline.com/doi/full/10.1080/09546553.2015.1054927>.

responsible for 25% of all U.S. terrorist attacks).¹⁹² Most lone actor jihadists in the U.S. have been inspired by ISIL. These lone actors were radicalized on their own, mostly through social media. In general, Islamists in the U.S. are mostly radicalized in prison, mosques, and on the Internet. Thus, around 50% of current or former ISIL members noted that they had been radicalized exclusively by social media content.¹⁹³ There has also been a shift from terrorism perpetrated by specific terrorist groups to lone wolves inspired by a specific ideology but not affiliated with a specific terrorist group. Thus, of the 53 attacks in 2019 only two were attributed to a specific terrorist group.¹⁹⁴ Between 2014-2019, ISIL-related attacks led to 77 deaths in the U.S. and all of these attacks were carried out by lone wolves.¹⁹⁵

The U.S. has the largest prison population in the world and it is in prisons that extremist ideology proliferates. Radicalization in jails, however, is a lesser threat than commonly portrayed by some commentators, and research indicates that Islam actually might have a somewhat positive influence on prisoners.¹⁹⁶

Some mosques in the U.S. transmit radical Islamist ideas. Because of the freedom of religion laws, there is no government policy in the U.S. on the establishment of mosques, making it nearly impossible to monitor them for radicalization. The North American Trust (NAIT) has ties to Muslim Brotherhood and owns about 300 mosques and Islamic schools.¹⁹⁷

Social media and the Internet play a crucial, if not the most important, role in radicalization.¹⁹⁸ **Section 230 of the Communications Decency Act**¹⁹⁹ protects such private companies as Twitter and Facebook from liability for the speech of their users and for their content moderation decisions (President Trump attempted to repeal Section 230 through an executive order,²⁰⁰ but

¹⁹² Data used for this research brief was collected from 1980s to 2015 and includes a Islamist and right-wing extremism, foreign and homegrown. "Patterns of Lone Actor Terrorism in the United States," https://www.start.umd.edu/pubs/START_ATS_PatternsofLoneActorTerrorismUS_ResearchBrief.pdf

¹⁹³ Institute for Economics and Peace, "Global Terrorism Index 2020: Measuring the Impact of Terrorism," <https://www.visionofhumanity.org/wp-content/uploads/2020/11/GTI-2020-web-1.pdf>.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶

<https://nicic.gov/facts-and-fictions-about-islam-prison-assessing-prisoner-radicalization-post-911-america.>; Institute for Social Policy and Understanding, "Facts and Fictions About Islam in Prison: Assessing Prisoner Radicalization in post 9/11 America," January 2013.

¹⁹⁷ Some researchers believe that NAIT has influence on a much larger number of mosques and schools.

¹⁹⁸ For the role of Internet in radicalization around the world, see <https://core.ac.uk/download/pdf/30671634.pdf>; for a specifically U.S. context, see FBI, *What We Investigate: Terrorism*, <https://www.fbi.gov/investigate/terrorism>.

¹⁹⁹ [https://uscode.house.gov/view.xhtml?req=\(title:47%20section:230%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:47%20section:230%20edition:prelim)).

²⁰⁰ <https://www.whitehouse.gov/presidential-actions/executive-order-preventing-online-censorship/>.

was challenged in court²⁰¹). The U.S. government is also limited by the First amendment and cannot restrict free speech. Additionally, the **Stored Communications Act** prohibits service providers from divulging the contents of electronic communications to the government without user consent, except in certain circumstances.²⁰² Despite these limitations, social media platforms have become more aggressive in removing extremist content and took the matter into their own private hands by starting to block extremist content.²⁰³

In addition to these efforts by private companies, government agencies have become more active (and skilled) at monitoring terrorism and extremism suspects online.²⁰⁴ While more often than not, the U.S. government abstains from criminalizing extremist speech, preferring to prosecute criminal activities incited by such speech, the Supreme Court, in one of its decisions, has also noted that the First Amendment protects free speech but not violence.²⁰⁵ The Court has generally extended, in the past five decades, the First Amendment's free speech protections to speech that advocates violence in the abstract while allowing the government to restrict or punish speech that threatens or facilitates violence implemented in a specific way.

There are categories of speech which the government sees as unprotected by the First Amendment. These include **incitement to imminent lawless action, true threats, and speech integral to criminal conduct**. The following U.S. legislation criminalizes speech-related conduct that supports violent actions, including terrorist acts:

- Under **18 U.S.C. § 373 “Solicitation to commit a crime of violence”** statute it is a crime to solicit, command, induce, or otherwise endeavor to persuade another person to engage in a felony involving the threatened, attempted, or actual use of physical force against another person or property, in violation of the laws of the United States.²⁰⁶
- The **18 U.S.C. § 2339B, “Providing material support to designated terrorist organizations (fundraising)”** statute applies to actions made under the direction of, or in coordination with, designated foreign terrorist organizations that the actor knows to be terrorist organizations.²⁰⁷

Also, the First Amendment does not necessarily provide protection for online speech posted by a foreign extremist group or a foreign national abroad. While

²⁰¹ <https://www.lawfareblog.com/supreme-court-declines-review-section-230-for-now>.

²⁰² Stored Communications Act 8 U.S.C. Chapter 121 §§ 2701–2712.

<https://www.law.cornell.edu/uscode/text/18/2701>.

²⁰³ <https://tnsr.org/2019/02/crossroads-counter-terrorism-and-the-internet/>

²⁰⁴

https://www.start.umd.edu/pubs/START_PIRUS_UseOfSocialMediaByUSExtremists_ResearchBrief_July2018.pdf.

²⁰⁵ NAACP v. Claiborne Hardware Co., 458 U.S. 886, 916 (1982).

²⁰⁶ <https://www.govinfo.gov/app/details/USCODE-2010-title18/USCODE-2010-title18-partI-chap19-sec373>.

²⁰⁷ <https://www.justice.gov/archives/jm/criminal-resource-manual-16-providing-material-support-designated-terrorist-organizations>.

it extends to U.S. citizens speaking abroad or foreign nationals speaking within the U.S. (in some cases), there is no fit-for-all answer to whether the First Amendment applies to online content that a foreign national posts outside of the U.S.

The American problem with Islamism predates 9/11 and goes back to the war in Afghanistan, when Americans were joining the mujaheddin in their fight against the Soviets the 1980s.²⁰⁸ This problem has increased during the past decade. Thus, in 2015 alone, 71 individuals were charged for various ISIL-related activities.²⁰⁹ During 2011-2018, the FBI arrested some 200 individuals for Islamic State-related activities.

It has been estimated that 300 Americans – as compared to roughly 5,000 Muslims from Europe - left to fight in Syria and Iraq.²¹⁰ A small but significant number of Americans (36 from 2011 to 2019, by the estimates of the researchers from the George Washington University’s Program on Extremism) have also travelled or attempted to travel to join jihadist groups outside of Syria and Iraq, including to Somalia and Yemen.²¹¹ Of these former ISIL supporters, a relatively larger number of American Muslims has been repatriated back to the US to be tried in the U.S than Europeans Muslims to Europe (although this process has been rendered more difficult due to COVID-19.²¹² Thus, as of October 2020, the US has repatriated 27 Americans from Syria and Iraq.²¹³

There is also a lengthening of the period between radicalization and attempts at violence. Data from 2013 to 2019 drawn from federal prosecutions of Muslims inspired by ISIL show that in most cases, more than a year passed between initial expressions of support for violent extremism and acts of violent extremism. This lag time, which counterterrorism officials often refer to as the “flash to bang” period, has increased in recent years.²¹⁴

²⁰⁸<https://www.hudson.org/research/16218-europe-frets-america-yawns-the-trans-atlantic-gap-on-domestic-islamism>. On radical Islamists recruitment efforts in the U.S. during the late 1970s-1980s, see Thomas Hegghammer, *The Caravan: Abdallah Azzam and the Rise of the Global Jihad*.

²⁰⁹ Lorenzo Vidino and Seamus Hughes, *ISIS in America: From Retweets to Raqqa*. A Report by Program on Extremism, George Washington University, December 2015.

²¹⁰ Seamus Hughes, Emily Blackburn, Andrew Mines, “The Other Travellers: American Jihadists Beyond Syria and Iraq,” GW Program on Extremism, <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/The%20Other%20Travelers%20Final.pdf>; <https://thesoufancenter.org/wp-content/uploads/2017/11/Beyond-the-Caliphate-Foreign-Fighters-and-the-Threat-of-Returnees-TSC-Report-October-2017-v3.pdf#page=10>

²¹¹<https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/The%20Other%20Travelers%20Final.pdf>.

²¹² <https://www.usip.org/publications/2020/08/isis-determined-make-comeback-how-can-it-be-stopped>.

²¹³ <https://www.justice.gov/opa/pr/united-states-has-repatriated-27-americans-syria-and-iraq-including-ten-charged-terrorism>

²¹⁴ The full report is available at <https://sites.duke.edu/tcths>. The data on which the report is based can be accessed at <http://kurzman.unc.edu/muslim-american-terrorism/annual-report>.

Thus, it can be concluded that, despite U.S. President Donald J. Trump’s bellicose rhetoric, Muslims in the U.S. have not been radicalized at the same rate and to the same degree as Muslims in Europe.

There was a religious terrorist attack perpetrated on American soil by a(n Islamist) foreigner during the period under review. On December 19, 2019, Second Lieutenant Mohammed Saeed Alshamrani, a Saudi national and an air force cadet training with the American military at the naval air force station in Florida, killed three men and injured three others. He was inspired by al-Qaeda’s ideology, communicated with al-Qaeda leaders in the Arabian Peninsula, and joined the Saudi military with the purpose of carrying out a “special operation.”²¹⁵

Non-violent Islamism:

Violent extremism, including violent Islamism, is much easier to quantify (by, for example, looking at the number of arrests) than non-violent Islamism. There is not a good estimate of the number of non-violent Islamists within American Islam. In the decades following 9/11, domestic Islamism in the U.S. does not pose as serious a problem as it does in Europe. Since 2001, the FBI has continued focus on counterterrorism and jihadism extremism, an approach that has been reinforced in the aftermath of the arrival of the Islamic State. This disproportionate attention has negatively affected two other areas of concern – the right-wing extremism (which, until 2019, has not received sufficient governmental attention nor funding) and non-violent Islamism.

While European intelligence agencies are increasingly focusing on non-violent, legalistic, Islamism, this has not been the case in the U.S., where lawful Islamism is usually seen through the prism of foreign policy (with discussions focusing on the Islamist movements in Muslim-majority countries, including Muslim Brotherhood in Egypt).

While during the first post-9/11 decade and while there was some discussion of the ideological trends within non-violent Islamism, the FBI conducted counter-terrorism operations against Hamas and the Muslim Brotherhood affiliated charities, the Arab Spring was seen in a positive light by the Obama administration and the domestic investigation of non-violent Islamist networks in the U.S. almost stopped completely. This trend has not changed much during the Trump presidency. During his campaign, candidate Trump spoke about his desire to establish “a Commission on Radical Islam,” but this has not been done.²¹⁶ On the contrary, federal funding received by American Islamic organizations has actually continued under the Trump administration.²¹⁷ Thus, Masjid Muhammad, “The Nation’s Mosque” which has branches across

²¹⁵Department of Justice, Office of Public Affairs Press Release, “Attorney General William P. Barr and FBI Director Christopher Wray Announce Significant Developments in the Investigation of the Naval Air Station Pensacola Shooting,” May 18, 2020, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-and-fbi-director-christopher-wray-announce-significant>.

²¹⁶ <https://www.politifact.com/truth-o-meter/promises/trumpometer/promise/1376/establish-commission-radical-islam/>.

²¹⁷ <https://buffalochronicle.com/2020/02/09/u-s-funding-of-islamist-charity-groups-triples-under-trump/>.

the U.S., has received a grant for the “**American Muslims Against Violence and Terrorism**” (AMATE) Initiative, which is a joint effort between the mosque and the U.S. Department of Homeland Security that is designed to counter the narratives of violent extremism domestically. This and other such grants were awarded to several Islamic organizations as part of the Countering Violent Extremism (CVE) effort by the outgoing Obama administration. The CVE grants to Islamic organizations continued under the Trump administration.²¹⁸ Several Muslim NGOs rejected this funding in response to Trump’s Muslim ban.²¹⁹

The conversation about domestic non-violent Islamism is driven by conservative organizations including the Hudson Institute. These are perceived by liberals to be pro-Israel and Islamophobic. This partisan approach obstructs proper objective study and understanding of the challenges posed by the Islamist nature of some of the prominent U.S. Muslim activists and organizations.²²⁰ As rightly noted by the Director of the Program on Extremism at George Washington University, Lorenzo Vidino, the U.S. never had an “it” moment that foster a paradigm shift towards confronting the existence of *domestic* Islamism in the way Britain did with the Rushdie affaire or Denmark did with the 2006 *Jyllands-Posten* cartoon controversy.²²¹ September 11th was an act of *international* terrorism by foreign terrorists. As a result, the majority of the American public still perceives Islamism as a predominantly “foreign” security threat.

In the meantime, many well-integrated American Muslims,²²² including conservative Sunnis (who compose 50% of all American Muslims), as well as minority Muslims groups (such as Sufis and Ahmadiyyah), are deeply concerned about the influence of Islamist networks on American Islam. In their view, jihadist radicalization poses a lesser threat in the American context than the influence of non-violent Islamist networks on social and religious activities at the grassroots level, as well as the position of Islamists as the self-appointed “communal” representatives of other American Muslims.

America has historically been home to relatively large numbers of Islamist movements. The Muslim Brotherhood, Salafism, and Jamaat-e-Islami are the most important legalistic groups (in the sense that their goal is the introduction of the Islamic state through gradual political transition). Egyptian president Mohammed Mursi joined the Muslim Brotherhood in the 1980s

²¹⁸ <https://www.dhs.gov/cvegrants>; <https://www.hstoday.us/subject-matter-areas/counterterrorism/dhs-releases-fiscal-year-2020-targeted-violence-and-terrorism-prevention-grant-program-notice-of-funding-opportunity/>.

²¹⁹ <https://www.independent.co.uk/news/world/americas/us-politics/muslim-nonprofit-groups-reject-federal-funds-donald-trump-muslim-ban-a7576446.html>.

²²⁰ Sam Westrop, “A Guide to Lawful Islamism in the United States”, *Middle East Forum*, August 20, 2020. – Middle East Forum is a conservative think tank that support biased research on Islamism, supported such anti-Islam figures as Geert Wilders and Tommy Robinson (co-founder of English Defense League). Founder is Richard Pipes’ son Daniel Pipes.

²²¹ Lorenzo Vidino, <https://www.hudson.org/research/16218-europe-frets-america-yawns-the-trans-atlantic-gap-on-domestic-islamism>.

²²² According to the 2018 poll, conducted by the *Institute for Social Policy and Understanding*, 75% of American Muslims reported being registered to vote. <https://www.ispu.org/american-muslim-poll-2018-full-report/>.

while studying in California. And Bashir al-Kebti, who was elected head of the Libyan Muslim Brotherhood shortly after the 2011 revolution, had worked as an accountant in the United States for more than thirty years. Prominent U.S.-based Brothers Jamal Barzinji, Ahmed Totonji, and Hisham al Talib, played a key role in establishing global Islamist organizations like the Saudi-based World Assembly of Muslim Youth as well as some of the first American Muslim organizations such as the Muslim Students Association and the International Institute of Islamic Thought.

Muslim Brotherhood in the U.S. originated from the Muslim Student Association (MSA) which was started by student activists during the 1960s. The MSA still has almost a hundred chapters across college campuses in the U.S. It was the cradle of the most prominent Muslim organizations in the U.S., including the **Muslim American Society (MAS)**²²³, **Council on American-Islamic Relations (CAIR)**, **Muslim Public Affairs Council (MPAC)**, **North American Islamic Trust (NAIT)**, and the **Islamic Society of North America (ISNA)**.²²⁴ In 2007, many of these organizations were targeted as co-conspirators in the Holy Land Foundation terrorism financing trial.²²⁵ The moderation of all of the above-mentioned organizations affiliated with the Muslim Brotherhood has been put on trial. To provide but a few examples, CAIR has been deemed by the Anti-Defamation League to be promoting anti-Jewish sentiments and was named as a co-conspirator in the Holy Land Foundation trial, and of being a front organization for HAMAS.

Some Islamic charities, including Islamic Relief USA, which are affiliated with the Muslim Brotherhood, have also been accused of collaboration with HAMAS and Hezbollah and circulating texts praising jihad and anti-Semitism.

Among mosques that are linked to foreign Muslim Brotherhood branches is the Islamic Society of Boston, with Yusuf Al-Qaradawi (the spiritual leader of the Egyptian Muslim Brotherhood) being one of its trustees until recently. The presence and influence of foreign Muslim Brotherhood leaders has declined over the past decades. Currently, Muslim Brotherhood supporters in the U.S. are believed to be led by an independent American Ikhwan/American Brotherhood which, in recent years, has become involved with American progressive politics.²²⁶

Qatar has replaced Saudi Arabia as the primary sponsor of Islamism in the U.S. (alongside, in recent years, Turkey²²⁷).

²²³<https://www.muslimamericansociety.org/faq/what-is-mas-relationship-with-the-intellectual-legacies-of-other-islamic-movements-especially-the-muslim-brotherhood-ikhwan/>.

²²⁴ <https://www.meforum.org/islamist-watch/money-politics/organizations/>.

²²⁵ <https://www.justice.gov/opa/pr/federal-judge-hands-downs-sentences-holy-land-foundation-case>.

²²⁶https://www.bc.edu/content/dam/files/schools/cas_sites/polisci/pdf/skerry/American%20Brotherhood-Muslim%20Brother%20in%20US-Skerry-Foreign%20Affairs.pdf.

²²⁷ <https://tcf.org/content/report/turkish-future-egypts-muslim-brotherhood/>.

Jamaat-e-Islami was founded in British India in 1941 by Abul Ala Maududi and is now active both across the Indian subcontinent and within the South Asian diaspora in the West including the United States. In 2017, the U.S. government designated the head of a Jamaat affiliate in Pakistan and Kashmir as a “global terrorist.” In 2018, the world became more aware of Jamaat because of the rallies calling for the murder of Asia Bibi, a Christian woman who nearly faced the death penalty in Pakistan after being convicted of blasphemy. The chief representative body of this movement in the U.S. is the **Islamic Circle of North America (ISNA)**. The mission of this organization is “the establishment of the Islamic system of life” in the world, “whether it pertains to beliefs, rituals and morals or to economic, social or political spheres.”²²⁸

Salafism has long enjoyed a foothold in the U.S. The Houston-based al-Maghrib Institute, for example, has attracted some of the most prominent names of global Salafism—mostly in its quietist and political currents—and reportedly has graduated more than 80,000 students. The leading contemporary ideologist of the jihadist current of Salafism in the English-speaking world, Anwar Awlaki (who was killed in 2011 in a US drone strike in Yemen where he became one of the top leaders of the local al-Qaeda affiliate), was born in New Mexico and preached for years between California and Virginia.

Terrorist acts perpetrated by Muslim Americans since 9/11 have killed 37 people, and the majority of these deaths were attributed to two attacks before 2015. One was by Major Nidal Hasan, who killed 13 fellow soldiers in Fort Hood, Texas;²²⁹ and the other the series of shootings by the “Beltway snipers” who killed eleven people (they were unconnected to the War on Terror nor to mainline Islam). Also, the Boston Marathon bombers killed four people in 2013.²³⁰

6. Hate crimes

During Donald J. Trump’s presidential election campaign, there were attacks against minorities, including an attack on a homeless Hispanic man.²³¹ After Trump’s election, there were also several reports of verbal and physical attacks on African Americans by those expressing support for Trump.²³² Similarly, a church with a large immigrant population was spray painted with the words “Whites Only” and “Trump Nation.”²³³ There was also an incident of an attack on a gay male whose offender stated “the president says we can kill all you.”

While during his election campaign, Trump was conveying a message that he will not condemn hate crimes committed in his name and refused to take a strong stance. President Trump has not

²²⁸<https://isna.net/mission-and-vision/>.

²²⁹ <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Nidal%20Hasan.pdf>.

²³⁰ Angie Cannon, *23 days of terror: the compelling true story of the hunt and capture of the beltway snipers*. New York: Pocket Books, 2003.

²³¹ Russell Berman, *A Donald Trump Inspired Hate Crime in Boston*, THE ATLANTIC (August 20, 2015), <https://www.theatlantic.com/politics/archive/2015/08/a-trump-inspired-hate-crime-in-boston/401906/>.

²³² Lizzie Dearden, *Donald Trump’s victory followed by wave of hate crime attacks*

²³³ <https://www.cbsnews.com/pictures/rise-in-hate-crimes-following-donald-trump-election-win/>.

introduced legislation or executive orders that protects the groups that are being targeted by hate crimes.

On August 12, 2017, James Alex Fields plowed his car into a group of people protesting a white nationalist rally in Charlottesville, Virginia. Fields' assault on the crowd resulted in one death and nineteen others being injured. In addressing this tragedy, President Trump stated that there were "very fine people on both sides" of the demonstration, although it was the white nationalists who were heavily armed and a white nationalist who used his car as a deadly weapon on the protestors.

Incidents of Anti-Black or African American hate crimes increased by 274, followed by an increase of 234 Anti-Jewish incidents. There were eighty-three more Anti-Hispanic or Latino incidents and fifty-four more Anti-Sexual Orientation incidents. Anti-Islam (Muslim) hate incidents, however, decreased from 307 to 273 in 2017. Even with this statistic in mind, it is important to note that the 307 incidents reported in 2016 was a ten-year high.

Hate crimes rose by a staggering 20% during the Trump Administration. The Southern Poverty Law Center reported 867 hate incidents in the ten days following Trump's election. The FBI's annual reports on hate crime statistics show that hate crimes have increased from 6,121 incidents in 2016 to 7,314 in 2019,²³⁴ the highest level reported by the FBI in almost a decade. Of those, 7,103 were single-bias incidents, which involved 8,552 victims;²³⁵ 211 multiple-bias hate crime incidents, which involved 260 victims.²³⁶ Of these 8,552 crimes: 64.4% were crimes against persons; 32.8% were crimes against property; 2.8% were crimes against society; 9.6% of these crimes took place in schools and colleges; while 4.4% took place in churches, synagogues, temples, and mosques.²³⁷

According to the latest data by the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland perpetrators of hate crimes differ in terms of their motivations, background, demographic characteristics, criminal histories, and targets.²³⁸ Of the 6,406 known perpetrators of these hate crimes, 52.5% were White; 23.9% were Black or African American and 14.6% race unknown. Of 2019's hate crimes, 57.6 percent were motivated by race, ethnicity or ancestry; 20.1 percent were motivated by religion; 16.7 percent were motivated by sexual orientation; 2.7 percent by gender identity; 2 percent by disability and 0.9 percent by gender. These percentages all fall within 2 percent points of previous totals reported by the FBI over the last four years. A majority of the hate crime incidents occurred in California, New York, Washington, New Jersey and Texas. Law enforcement agencies may specify the location of an offense within a hate crime incident as 1 of 46 location designations. Most hate crimes (24.6% occurred in or near residencies/homes; 18.2%

²³⁴ <https://www.statista.com/chart/16100/total-number-of-hate-crime-incidents-recorded-by-the-fbi/>.

²³⁵ <https://www.justice.gov/hatecrimes/hate-crime-statistics>.

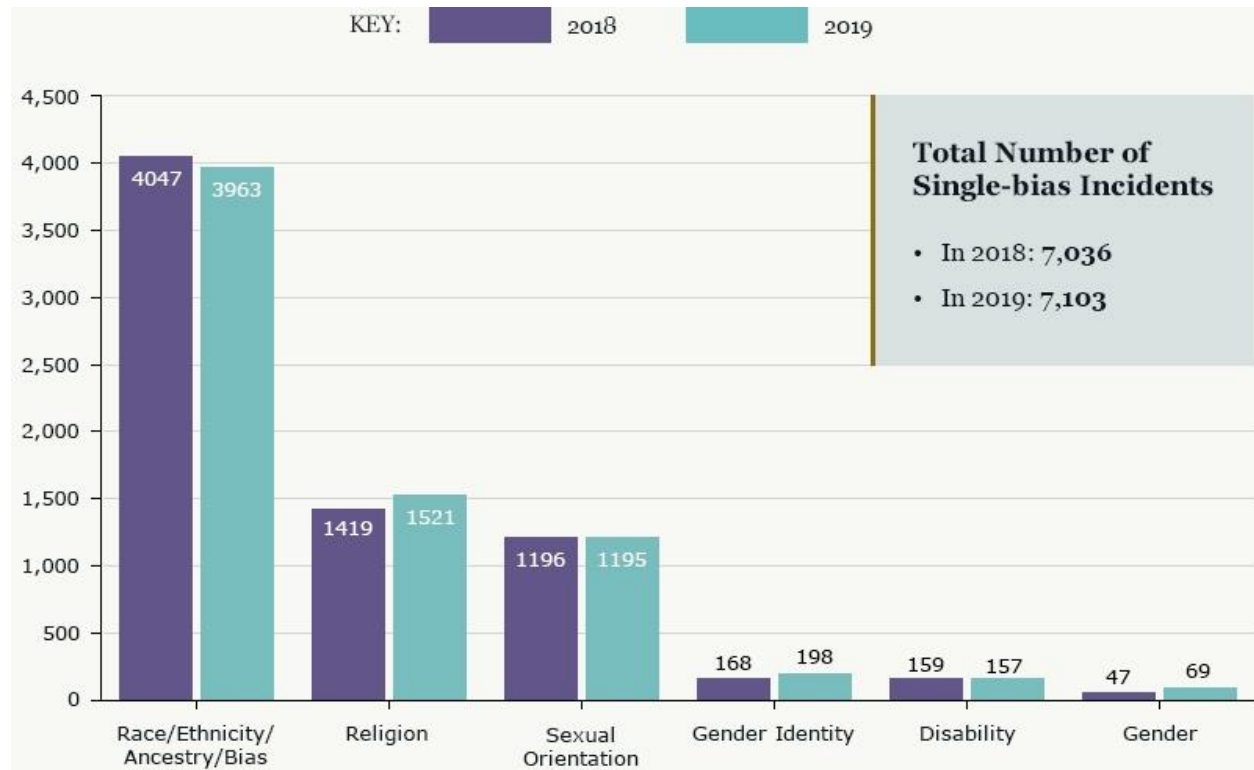
²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ https://start.umd.edu/pubs/START_BIAS_MotivationsCharacteristicsOfHateCrimeOffenders_Oct2020.pdf.

occurred on highways/roads/alleys/streets, etc.; a significant amount – 9.6% - occurred at schools/colleges.

Bias Motivation Categories for Victims of Single-bias Incidents were as follows in 2019:



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After 9/11, Muslim Americans started to self-identify as the “new blacks.” Anti-Muslim hate crimes increased in the months leading up to and directly after the 2016 election of Donald J. Trump and surpassed those that occurred after 9/11. In 2015, the U.S. experienced a spike in these hate crimes and physical assaults, the highest number reported since 2001. Ninety-one aggravated and simple assaults motivated by anti-Muslim bias were reported in 2015, just 2 less than the 93 assaults that were reported in 2001.²⁴⁰ The number of anti-Muslim intimidation crimes (defined as threatening bodily harm), rose to 120 in 2015 (those reported to FBI). CAIR reported a record number (78) of mosque incidents in 2015, the highest since this organization began tracking such reports in 2009. The largest number of cases involving damage, destruction, vandalism, and intimidation were also reported in 2015. After Trump’s election, the number of anti-Muslim hate crimes increased again, by 19%. The attacks continued into the first year of Trump’s presidency. Thus, between January 1 and September 30, 2017 – CAIR identified 1,656

²³⁹ Ibid.

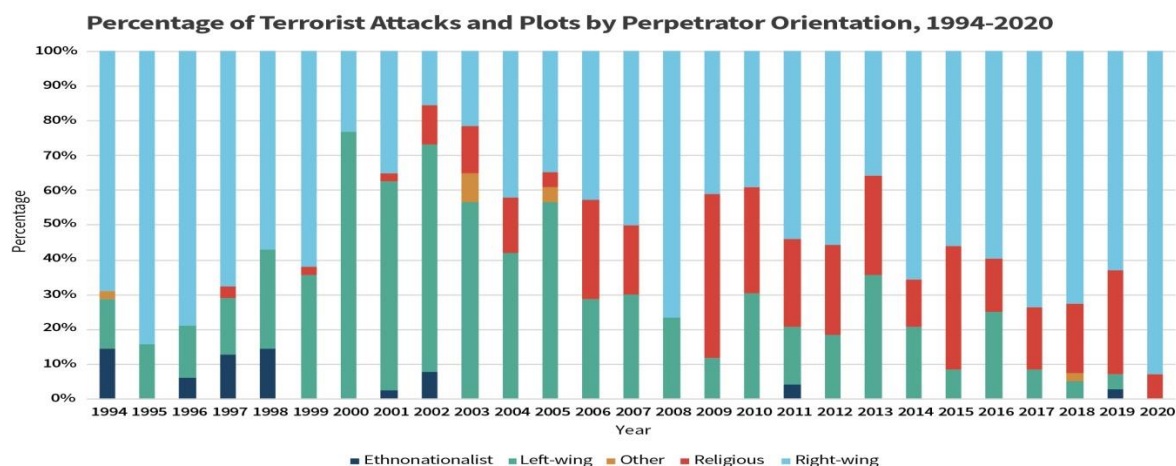
²⁴⁰ <https://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level/>.

anti-Muslim incidents in the US, including hate crimes, harassment, and intimidation. In the second half of 2018, anti-Muslim bias incidents had risen 83% in just a few months.²⁴¹

In 2019, the greatest increases in hate crimes happened against Black people, Jewish people, gay men and Latinos.²⁴² Hate-motivated murders, largely committed by white supremacists, spiked to their highest number in 28 years according to the FBI. Hate-motivated murders spiked to a total of 51 in 2019, the highest number in nearly 3 decades, according to an analysis of the FBI's data conducted by the Center for the Study of Hate and Extremism (CSHE) at California State University. The next-highest number of hate-motivated murders occurred in 2018 with 24 murders. The third-highest number occurred in 1993 and 1995, with 20 murders happening each of those years.

Most hate-motivated murders in 2019 were committed by white supremacists (39 of the 51 hate-motivated murder victims), including the 23 victims killed in the August 3, 2019 mass shooting in El Paso, Texas. Murders committed by white supremacists have gradually increased under Trump, from 3 in 2016 to 12 in 2017 and then 17 in 2018.

According to the data presented by the Center for Strategic and International Studies, the terrorist threat in the U.S. will likely worsen in 2021. The most significant terrorist threat comes from white supremacists, followed by anarchists and religious extremists inspired by the Islamic State and al-Qaeda.²⁴³



²⁴¹ US Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, “2016 Hate Crime Statistics”; <https://www.aljazeera.com/news/2017/7/18/cair-hate-crimes-against-muslims-spike-after-trump-win>.

²⁴² <https://ucr.fbi.gov/hate-crime/2019>

²⁴³ Seth G. Jones, Catrina Doxsee, and Nicholas Harrington, June 2020, “The Escalating Terrorism Problem in the United States,” <https://www.csis.org/analysis/escalating-terrorism-problem-united-states>.

²⁴⁴ <https://www.csis.org/analysis/escalating-terrorism-problem-united-states>.

A former Coast Guard lieutenant and a self-proclaimed white nationalist, Christopher Hasson, was sentenced to 160 months in prison in January, 2020 for plotting a series of potential attacks on targets ranging from the media to elected officials.²⁴⁵ His sentencing follows his arrest a year earlier when he was charged with possession of firearms and controlled substance, but not criminal offense. The Justice Department did not, despite clear evidence of intent, charge Hasson with terrorism. In the early court filings, the government alleged that Hasson was a domestic terrorist, with a clear desire to commit acts of political violence. Despite this, his plea agreement and judgment make no mention of his list of targets, or his statements calling for a “white homeland.”

Starting in 2016, a number of protests and physical confrontations aimed at individuals and groups associated with right wing politics in the United States have been attributed to an ill-defined Antifa. A high-profile example took place in Charlottesville, Virginia on August 11-12, 2017. During two days of conflict and violence, anti-right-wing protesters clashed with right wing supporters. During the second day of the confrontation, a right-wing supporter drove a car into a crowd of protesters, killing one person and injuring 35 others. While many Antifa supporters see it as a defense against right wing extremism, some on the right view supporters instead as terrorists. According to the Global Terrorism Database (GTD), the events in Charlottesville shared many characteristics of terrorist attacks. However, they do not include all of the elements of terrorism required by the GTD.²⁴⁶

7. Conclusions

The U.S. has a unique cultural approach to integration compared to Europe. America’s *laissez-faire* approach to legalistic, non-violent, Islamism and right-wing extremism is driven by its cultural approach to integration. As a multicultural country that embraces diversity, the U.S. is known for celebrating difference. Such communities as, for example, Muslims, Sikhs, Amish, and ultra-Orthodox Jews (to name but a few) have long enjoyed religious and cultural freedoms. Also, speech protection, which is granted by the First Amendment, makes most outlandishly extreme pronouncements more acceptable in the U.S. than they are in some other countries. American Muslims, as an example, experience a greater degree of acceptance and inclusions than, for example, Muslims in Europe, which partially accounts for the relatively low degree of radicalization among Muslims in the U.S.

The period under review coincides with a presidency marked as one of the most divisive and controversial in U.S. history. President Trump’s handling of COVID-19 was the worst disaster in U.S. history, during which minorities have been disproportionately impacted and, in the case of Asian Americans, blamed and attacked. The administration’s handling of the pandemic exacerbated already high levels of polarization, radicalization, hate crimes, and social unrest in general. President Trump’s installment of three conservative Supreme Court Justices (all for life terms) will have long lasting effects on the legislation concerning the areas covered in this

²⁴⁵ <https://www.justice.gov/usao-md/pr/christopher-hasson-sentenced-more-13-years-federal-prison-federal-charges-illegal>.

²⁴⁶ <https://link.springer.com/article/10.1007/s12115-018-0246-x>.

review. In response to criticism of the U.S. and federal, state and local governments for engaging in “systemic” racial discrimination, racial profiling, and for the excessive use of force by the federal, state, and local law enforcement officers, Trump signed the First Step Act in December 2018 into law which was the first legislative shift in many years with regards to the criminal justice system. The lower degree of Islamist radicalization was certainly influenced by the defeat, after a five-year effort, of ISIL's caliphate in March 2019.

With regards to right-wing extremism, Trump failed to bring the U.S. together after the neo-Nazi rally in Charlottesville, Virginia. Nor did he condemn right-wing extremists (but used racist rhetoric instead throughout his presidency), thus further energizing right-wing extremists.

8. Recommendations:

- Congress needs to pass legislation such as the “**Domestic Terrorism Prevention Act of 2019**” (S. 894)²⁴⁷ to authorize key federal agencies to focus on preventing and countering domestic far right extremism provide regular reporting to Congress on it;
- Further work needs to be done towards strengthening anti-money laundering and counterterrorism financing mechanisms to ensure any violations of financial laws by these extremists can be prosecuted;²⁴⁸
- Gun safety reforms would be the right move towards ensuring guns do not get into the hands of domestic extremists;²⁴⁹
- The Biden administration should work with Congress and continue **criminal justice reforms**, including the reassessment of federal funding to law enforcement, both state and local, that would encourage state and local authorities to reduce the damaging effects of law enforcement’s abusive actions towards minorities. Saved financial resources could be invested in these affected communities. Arrests should be minimized. Arrest records should be expunged. Independent oversight bodies and legal tools should be established that would ensure police accountability. Pre-trial/pre-conviction incarceration should be limited when arrests do occur since some unnecessary arrests pressure people to plead guilty regardless of actual guilt (such as in the cases when the arrested individuals cannot afford paying bail, which happens more often with disadvantaged minority groups); money bail should be abolished; excessively long sentences should be reduced (**Second Look Act**); prolonged solitary confinement should end. Excessive fees and fines associated with criminal convictions should end;

²⁴⁷<https://www.congress.gov/bill/116th-congress/senate-bill/894>.

²⁴⁸ Selim, George. “A Persistent and Evolving Threat: An Examination of the Financing of Domestic Terrorism and Extremism.” Testimony before US House Committee on Financial Services, 15 Jan. 2020, nancialservices.house.gov/uploaded53les/hhrg-116-ba10-wstate-selim-20200115.pdf

²⁴⁹ Lopez, German. “America’s weak gun laws enable shootings by terrorists and extremists.” *Vox*, 11 Dec. 2019, www.vox.com/2019/12/11/21011462/jersey-city-pensacola-53orida-shooting-gun-control-laws. Accessed 30 Aug. 2020. Kasai, Nathan. “How to Embrace Commonsense Gun Safety Legislation.” *Third Way*, 7 Jan. 2019, www.thirdway.org/memo/how-to-embrace-commonsense-gun-safety-legislation.

- U.S. Congress needs to pass, and robustly enforce, clear and comprehensive **nondiscrimination protections for LGBT** people across the United States.
 - These need to include the passage of the **Equality Act** that would amend the Civil Rights Act and prohibit discrimination on the basis of sexual orientation and gender identity in employment, housing, public accommodations, public education, federal funding, credit, and the jury system;
 - The discriminatory ban on transgender service in the military needs to be reversed. Transgender people in federal custody need to be housed in a way that would recognize and respect their gender identity. Religious exemptions are carefully crafted and do not infringe on the rights of LGBT people;
- The Biden Administration should press Congress to pass a **Violence Against Women Act** (that would be LGBT-, minority- and immigrant- inclusive) and which would protect immigrant women in abusive relationships from the threat of deportation if they leave these relationships.
- The following executive **immigration** and border policies implemented by the Trump administration should be adjusted:
 - asylum legislation should appropriately respond to humanitarian need;
 - **Migrant Protection Protocols** should be undone;
 - The Public Health Order which closed land border to asylum seekers should be withdrawn;
 - Community-based alternatives to detention (such as shelter with families) should be pursued;
 - Customs and Border Protection should stop separating children from parents and extended family members at the border;
 - Family reunifications should be sped up;
 - Detention abuses must end;
 - New legislation that would protect long-term residents from deportation and family separation (though an appropriate legalization program) should be introduced as well as policies that would allow deported people who were wrongfully deported to return and pursue claims to remain in the U.S.;
 - Withdraw proposed regulations issued in June and September 2020 that would restrict access to asylum, including by eliminating seeking asylum on the grounds of “gender” and allowing immigration judges to introduce their own, potentially biased evidence into the record in asylum cases;
- The FBI and the Department of Homeland Security should continue countering the threat from white supremacist extremist groups:
 - Financial flows within transnational far right that funds the far right in the US must be severed;
 - Extremism in the U.S. military must be addressed as well as the root causes of Islamic radicalism and the drivers of recruitment;
 - International cooperation should be resumed in fighting terrorism;
 - Terrorist safe heavens should be eliminated abroad and capacity of partner nations should be strengthened;
- Congress must send clear signals that it takes the threat of domestic extremism seriously as a top national security priority;

- Members can make this clear in their oversight actions, such as hearings, and in public statements;
- Members should highlight the extent of the threat of domestic extremism, particularly on the far-right;
- Members can take a number of legislative steps to ensure the federal government is prioritizing this threat and putting appropriate resources and leadership behind combatting it. This could include providing increased resources to nonprofit organizations working to both prevent and counter the domestic extremist threat and considering legislation such as the “**Domestic Terrorism Prevention Act of 2019**” (**S. 894**) to authorize offices in key federal agencies to focus on this threat and provide regular reporting to Congress on it.³¹This could also include evaluating whether the U.S. government has the needed tools to label white supremacist and other far-right extremist groups as foreign terrorist organizations when they meet the qualifications as such and pose a threat to the United States.³²
- Congress should evaluate proposals to strengthen anti-money laundering and counterterrorism financing mechanisms to ensure any violations of financial laws by these extremists can be prosecuted;³³
- Embracing common sense gun safety reforms will help ensure guns do not get into the hands of domestic extremists.³⁴
- Congress must push the Pentagon to do more to root out white supremacy and other forms of extremism in its ranks. The **FY2020 National Defense Authorization Act (P.L. 116-92)** included a provision requiring the Pentagon to include in appropriate surveys whether any service members had witnessed extremist activity in the workplace and had reported it.³⁸ It also required the Secretary of Defense to study the feasibility of screening individuals who seek to join the military for extremist and gang-related activity.³⁹
- An interagency taskforce could be established that would recommend steps to combat white supremacist and other extremist infiltration.⁴⁰
- Congress should evaluate the extent that penalties are being imposed on individuals found to have violated laws and rules against extremism in the military. It could also require the military to put in place stricter screening measures for new recruits to try to root out extremism before it enters the armed forces, as well as regular reporting to Congress on the extent of the threat of white supremacy and other forms of extremism in the military.
- Violent extremist propaganda and narratives online should also be combatted. Because ISIL, white supremacists, and other violent extremist groups use the Internet and social media to recruit, the U.S. government must continue to support efforts aimed at countering narratives and taking terrorist and extremist accounts offline. Additionally, while social media companies have made progress in suspending accounts linked to these groups, there should be greater cooperation between the private sector and government in this regard, while safeguarding human rights and protecting free speech and other civil liberties.
- Lastly, Congress should pass **House Resolution (HR) 40**, which would establish a commission to investigate the impacts of slavery and subsequent racist laws and policies that contribute to discrimination of Black communities. If Congress does not pass HR40, the administration should establish such a commission by executive order.

