

## SOLUTION 1: AMEND 18 USC 2331 (5) AND 6 USC 101 (18).

**Problem:** The term “Domestic Terrorism” is becoming or has become a political weapon instead of a national security and public safety instrument. Please carefully consider the following:

> Bureaucratic lexicons and legal definitions concerning ‘Domestic Terrorism’ are conflated with terms, such as: ‘Domestic Violent Extremism,’ etc.

**Domestic Terrorism: Definitions, Terminology, and Methodology**

*November 2020*

<sup>1</sup> The DHS Office of Intelligence & Analysis (I&A) does so in accordance with its Attorney General-approved Intelligence Oversight Guidelines (Policy No. IA-1000). I&A uses the term “domestic terrorist,” defined in those guidelines, interchangeably with “domestic violent extremist” to describe such an actor.

> The bureaucratic term ‘DVE’ is also being used by State governments to conflate with the legal term “Domestic Terrorism,” using potentially overinflated FBI ‘DVE’ statistics, while simultaneously connecting DVE & DT official terms with SPLC labels ‘White Supremacy’ & ‘Anti-Government.’

**WASHINGTON STATE ATTORNEY GENERAL'S OFFICE**

**2022 DOMESTIC TERRORISM STUDY**

**Letter from the Attorney General**

Dear Washingtonians,

Domestic violent extremism incidents are on the rise. This should be no surprise to anyone reading the newspaper headlines. In 2021, the FBI conducted approximately 2,700 domestic terrorism investigations, compared to approximately 1,400 in 2020 and the approximately 1,000 in each preceding year from 2017-2019.

Domestic violent extremism encompasses various forms of extremist and political violence like threats, coercion, and intimidation, online disinformation, extremist recruitment and government infiltration efforts, and the general spread of extreme white supremacy and anti-government ideologies. Senior FBI officials state that racially-motivated violent extremists are responsible for the majority of lethal attacks and fatalities perpetrated by domestic terrorists since 2000.

In 2022 the Washington State Legislature asked my office to produce a study on these issues. We must urgently address the factors leading to the rise in violent extremism and white supremacy. For the past six months my team worked diligently, consulting with experts across the country who are renowned in their respective fields. My team also consulted with community organizations rooted in Washington State and included them in the work.

As Attorney General it is my job both to defend the foundations of our democracy, and preserve Constitutionally-protected expression and freedom of association. The beauty of our state lies in its diversity and there is no place for hate. This report is careful to uphold our civil liberties while simultaneously laying out a preventative and public health approach to tackle these urgent challenges.

Sincerely,

*Bob Ferguson*

Bob Ferguson  
Attorney General

**WASHINGTON STATE LEGISLATURE**

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1333 **Bill** Initiative 2023-2024 Search

**HB 1333 - 2023-24**

Establishing the domestic violent extremism commission.

Sponsors: Ramos, Berg, Berry, Duerr, Leavitt, Taylor, Mena, Peterson, Ramel, Ryu, Senn, Simms

**Bill Status-at-a-Glance**

See **Bill History** for complete details on the bill

As of Friday, December 22, 2023 10:35 PM

**Current Version:** HB 1333 **Current Status:** HRules C

**Where is it in the process?**

	Introduced	In Committee	On Floor Calendar	Passed Chamber
In the House:	●	○	○	○
In the Senate:	○	○	○	○
After Passage:	○	○	○	○

Passed Legislature On Governor's Desk Governor Acted Session Law

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board of the Center for Research on Extremism (C-REX) in Oslo, Norway, and is a member of the Southern Poverty Law Center (SPLC) Tracking Hate and Extremism Advisory Committee.

Current Federal 'Domestic Terrorism' legal definitions are too broad, open to biased interpretation & circumvention of Civil Liberties & Due Process, and foments public confusion, distrust, and unnecessary fear.

## Title 18 – Crimes and Criminal Procedure

### Chapter 113B – Terrorism

#### Section 2331. Definitions

As used in this chapter –

(5) the term "domestic terrorism" means activities that—

- (A) involve acts dangerous to human life that are a **violation of the criminal laws** of the United States or of any State;
- (B) **appear to be intended—**
  - (i) to **intimidate or coerce** a civilian population;
  - (ii) to **influence the policy of a government** by **intimidation or coercion**; or
  - (iii) to **affect the conduct of a government** by mass destruction, assassination, or kidnapping; and
- (C) occur primarily within the territorial jurisdiction of the United States; and...

Who determines intention?

Is 'DT' a public safety or politically motivated enhancement of existing criminal law?

Is this standard equally applied or politically applied?

Is this law intended more as a protection of government or for the public safety of the people?

## Title 6 – Domestic Security

### Chapter 1 – Homeland Security Organization

#### Section 101. Definitions

In this chapter, the following definitions apply:

(18) The term "terrorism" means any activity that—

- (A) involves an act that—
  - (i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and
  - (ii) is a **violation of the criminal laws** of the United States or of any State or other subdivision of the United States; and
- (B) **appears to be intended—**
  - (i) to **intimidate or coerce** a civilian population;
  - (ii) to **influence the policy of a government** by **intimidation or coercion**; or
  - (iii) to **affect the conduct of a government** by mass destruction, assassination, or kidnapping.

Open door to entrapment?

Is this standard equally applied or politically applied?

### Consider amending these laws to:

1. require evidence of a FTO connection before classifying a U.S. citizen a 'Domestic Terrorist.' or a U.S. based organization a 'Domestic Terrorist Organization.'
2. Authorize DHS to designate Domestic Terrorist Organizations – with FTO connections
3. Require publishing publicly the Domestic Terrorist Organization list – with FTO connections.
4. Prohibit the domestic reliance upon any privately created listing of U.S. citizens or U.S. based organizations by any Executive Branch entity without public (not secret) Congressional approval (purpose: severely restrict bias and political weaponization)